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Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*

Summary

For more than six years, the Commission has been independently and impartially documenting serious violations of human rights and international humanitarian law committed by the parties to the conflict in the Syrian Arab Republic that has claimed the lives of hundreds of thousands. Such violations have driven more than half of the population of the country to leave their homes. From its inception, the conflict was characterized by the utter disregard for the civilians that the parties to the conflict purport to represent and for international law.

The present report demonstrates once again that civilians have not only been the unintentional victims of violence, but have often been deliberately targeted through unlawful means and methods of warfare. Arbitrary arrests, enforced disappearances, torture, and sexual and gender-based violence have all been used against thousands of persons in detention. Vital civilian infrastructure has been decimated by repeated attacks on medical facilities, schools and markets. Humanitarian aid has been instrumentalized as a weapon of war with siege warfare and denial of life-saving assistance used to compel civilian communities and parties to the conflict, alike, to surrender or starve.

Despite this range of violations, Syrian victims have been denied any modicum of justice. In the report, the Commission signals its intention to help victims obtain justice and to pursue this task vigorously in the light of the evolving situation on the ground in the Syrian Arab Republic and the various ongoing efforts to bring the parties to the conflict to the negotiating table. Those developments provide new challenges — but also opportunities — to pursue justice for the victims. They will require, however, affirmation by all concerned that victims' demands for justice and accountability are a central component of any negotiated settlement and any durable solution to achieve peace. There can be no trade-off between that goal and a viable political solution.

* The annexes to the present report are being circulated as received, in the language of submission only.

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I. Mandate and methodology

1. In the present report, submitted pursuant to Human Rights Council resolution 34/26, the Independent International Commission of Inquiry on the Syrian Arab Republic sets out the findings of investigations conducted from 8 July 2017 to 15 January 2018 in the country.[1]

2. The methodology employed by the Commission was based on best practices of commissions of inquiry and fact-finding missions. First-hand information was collected through interviews with victims and witnesses of events in the Syrian Arab Republic.

3. In total, 513 interviews were conducted in person and remotely. The Commission faced numerous challenges with regard to the security of interviewees, particularly those in areas controlled by the Islamic State in Iraq and the Levant (ISIL). In Raqqah and Dayr al-Zawr, many persons interviewed by the Commission had limited access to mobile phones and Internet connection. In all cases, the Commission was guided by the "do no harm" principle.

4. The Commission collected, reviewed and analysed satellite imagery, photographs, videos and medical records. Communications from Member States and reports from the United Nations and non-government organizations were also consulted.

5. The standard of proof was considered met when the Commission obtained a reliable body of information to conclude that there were reasonable grounds to believe that the incidents occurred as described and that violations were committed by the party identified.

6. The Commission's investigations remain curtailed by the denial of access to the Syrian Arab Republic.

II. Introductory remarks

7. For more than six years, the Commission has been independently and impartially documenting serious violations of human rights committed by the parties to the conflict in the Syrian Arab Republic that has claimed the lives of hundreds of thousands, with many more maimed or permanently incapacitated for life. More than half the population have been forced to leave their homes, and over 13.5 million people are in need of humanitarian assistance.

8. What began as peaceful demonstrations calling for reforms in March 2011 was met with a heavy-handed response by the Syrian State security and military forces, and tragically descended into a non-international armed conflict characterized by an utter disregard by the parties to the conflict for civilian life and international law. Civilians have not only been the unintentional victims of the mindless violence, but have often been deliberately targeted through unlawful means and methods of warfare employed by an ever-growing number of regional and international actors.

9. The Commission has diligently and meticulously documented, analysed, verified and presented to the Human Rights Council, the Secretary-General, the Security Council, the General Assembly, regional bodies and the international community information about this tragedy that could have been halted. Instead, the involvement of a variety of regional and international actors and sponsors has enabled the prolongation and escalation of the conflict rather than brought it to an end.

10. Over time, the Commission has reported on systematic violations of human rights and international humanitarian law, including arbitrary arrests, torture in detention, enforced disappearances, sexual and gender-based violence, attacks on medical facilities, schools and markets, indiscriminate attacks and intentional attacks against civilians. No party has abided by its obligations, either under international humanitarian or human rights

[1] The commissioners are Paulo Sérgio Pinheiro (Chair), Karen Koning AbuZayd and Hanny Megally.

law, to protect civilians, the infrastructure that facilitates civilian life and livelihoods or specially protected sites that form the backbone of their communities. Humanitarian aid has been instrumentalized as a weapon of war with siege warfare and denial of life-giving assistance used to compel civilian communities and parties to the conflict alike to surrender or starve.

11. As a Commission of inquiry, the primary tasks of the commissioners have been to document all serious human rights violations and war crimes, expose those responsible, seek to bring perpetrators to account for their crimes and help the victims to achieve justice. Efforts to promote criminal accountability through the International Criminal Court have not been successful so far, despite the best efforts of the Human Rights Council, the Commission, a large number of Member States committed to the promotion of international justice and countless civil society groups. Attempts to refer the situation in the Syrian Arab Republic to the International Criminal Court have never made it past the floor of the Security Council. More success may be achieved through recourse to universal jurisdiction and we welcome the fact that the number of such cases before a variety of national jurisdictions is on the rise.

12. Additionally, Member States in the General Assembly adopted resolution 71/248 in December 2016 aimed at promoting criminal accountability in a novel manner by establishing the International Impartial and Independent International Mechanism to collect, consolidate, preserve and analyse evidence of the most serious international crimes committed during the armed conflict in the Syrian Arab Republic. This is to be done with a view to compiling case files to facilitate proceedings in both international and national jurisdictions willing to prosecute perpetrators of the atrocious crimes that have been committed during the war in the Syrian Arab Republic. The Commission welcomes this initiative as a step forward in promoting accountability and will work closely to assist the mechanism in achieving this goal.

13. On the question of helping victims obtain justice, the Commission intends to pursue this task vigorously in the coming year in the light of the evolving situation on the ground in the Syrian Arab Republic and the various ongoing efforts to bring the parties to the conflict to the negotiating table. Those developments provide new challenges, but also opportunities to pursue justice for victims. They will require, however, an affirmation by all concerned that victims' demands for justice and accountability are a central component of any negotiated settlement and in any durable peace solution, and that there can be no trade-off between this goal and a political solution.

14. The Commission is obliged to prioritize the justice-based needs and demands of the Syrian people, civilians who have been trapped or held hostage in this mindless conflict and who have suffered appalling deprivation and injustice. As such, the Commission will seek to utilize the accumulated knowledge, expertise and verification processes gained over the past six years to help victims achieve the justice that has eluded them so far.

15. In the present report, the Commission stresses the need to find practical remedies to the violations that it continues to document that go beyond a call for criminal justice and to seek solutions that could be implemented in the immediate future to build confidence among the parties negotiating a political solution or used as factors in initiatives by the international community to reinforce efforts to build a tangible process for sustainable peace. In both cases, placing the needs of victims at the front and centre of initiatives and negotiations is imperative.

16. The Commission wishes to remind the parties to the conflict and their sponsors, the facilitators of the peace talks and the international community that the serious violations committed since the beginning of the conflict need to be addressed as part of any process aimed at ending the conflict and achieving sustainable peace.

17. Accordingly, the Commission wishes to propose to the Human Rights Council the following principles and initiatives to be adhered to in all efforts aimed at bringing an end to the conflict. They may also be used as benchmarks or reminders over the coming year of what can be implemented immediately as part of confidence-building measures, what needs to be done immediately upon any cessation of hostilities, and what mechanisms need to be

put in place to ensure timely progress on pressing rights issues whose resolution will help to ensure sustainable peace:

(a) Immediately bring to an end all intentional and indiscriminate attacks on the civilian population, including, but not limited to, hostage taking, disappearances, torture, summary executions, sexual and gender-based violence and all acts of collective punishment, in particular sieges.

(b) Allow immediate and unconditional access to all places of detention by independent monitors and, at a minimum, humanitarian organizations such as the International Committee of the Red Cross. In doing so, end the practice of holding detainees incommunicado or in secret places of detention and provide full lists of the names of all those held in detention. This will allow the authorities to begin the process of compiling the names of those missing or disappeared.

(c) Establish a mechanism, as part of any negotiated agreement, to enable the speedy release of all political prisoners and those held arbitrarily and begin that process immediately upon the signing of the agreement. In the meantime, special attention should be given to immediately releasing the most vulnerable detainees, including children, women, the elderly and the disabled, while talks continue. These can be considered as confidence-building measures and applied to all parties to the conflict.

(d) Ensure that there are no pardons or amnesties for those responsible for ordering or carrying out gross human rights violations and committing international crimes, such as war crimes, crimes against humanity or genocide.

(e) Ensure in any agreement that there is immediate and timely access and provision of humanitarian assistance to all areas affected by the conflict, in close collaboration with United Nations agencies present in the Syrian Arab Republic.

(f) As soon as there is a cessation of hostilities, facilitate the process for displaced Syrians and those who sought refuge outside the country to return in safety and dignity, working closely with relevant United Nations agencies.

(g) Enable the registration of births and give access to all concerned to gain or regain their legal identity through simplified registration mechanisms at the local and community levels, bearing in mind that an officially recognized identity, substantiated by a birth certificate or other identity documents, is crucial for the realization of the most fundamental rights.

(h) Ensure access and freedom of movement throughout the country for Syrian and international human rights monitors so that they can assess conditions, report on compliance with commitments and assist in ensuring that rights safeguards and the rule of law are upheld.

18. The above principles are not merely aspirational. They are doable. The Commission has regularly reported to the Human Rights Council about the network of checkpoints established throughout government-controlled areas where Syrians have gone missing. Arbitrary arrests, enforced disappearances, false charges in military tribunals, field courts or antiterrorism courts have all been used as a means to keep tens of thousands of persons in detention, often incommunicado and in conditions that defy description. Deaths resulting from torture, cruel, inhuman or degrading treatment and summary executions in both known and secret places of detention have been documented throughout the conflict. Relatives of detainees rarely, if ever, receive information on their whereabouts, the reasons for their incarceration or even their deaths. As a result, thousands of Syrian families have no knowledge of whether their relatives are missing due to conflict, displacement, detention, death or execution.

19. Armed groups and terrorist organizations have also detained people, often with no reason or rationale, save that they want to use them for bargaining purposes. Civilians, including individuals with relatives serving in the armed forces of the Syrian Arab Republic, have been taken hostage to be used in negotiations for the release of their comrades in arms or their own relatives from situations of detention. Often, the captives belong to religious minorities and are treated abominably, held in inhumane conditions or

subjected to torture or cruel, inhuman or degrading treatment. Arbitrary judicial processes have been used to justify summary executions of some detainees without any semblance of due process or fair trial standards being met.

20. It is long overdue for the parties to the conflict to prioritize the release of arbitrarily detained persons. This has been a key principle underlying the political process since the Geneva Communique of 2012.[2] A clear and immediate starting point that would show willingness to end the conflict would be the universal release of women, children, elderly men and persons with disabilities from all places of detention. This should be done now, not only in the context of the prisoner swaps that have been taking place, but as a commitment by all sides and as a confidence-building measure.

21. Integral to any negotiated settlement is the commitment to open up all places of detention to humanitarian and human rights organizations, in particular the International Committee of the Red Cross and the United Nations. This should include the transparent gesture of releasing the names of and locations where all civilians are being detained throughout the country.

22. Given the size and scope of the caseload of missing persons, the creation of an independent and impartial mechanism with an international mandate to coordinate and consolidate claims, including relating to persons subjected to enforced disappearance, will likely be essential to devising an adequate response for the families of missing persons. Such a mechanism could be tasked with defining the key elements required to efficiently and effectively track and identify missing persons, to help consolidate claims filed with a wide variety of non-governmental and humanitarian organizations and to coordinate overtures to the parties to the conflict to locate the missing or their remains. A critical component of these efforts would be communication with and the involvement of the families of missing persons to ensure that they are apprised of information and updates as such data becomes available.

23. Mechanisms designed to alleviate elements of the acute humanitarian crisis afflicting the country and to facilitate sustainable returns should also be prioritized. Addressing the displacement of civilian populations on a scale unseen since the Second World War will require a concerted international effort. In particular, a mechanism will be needed to ensure that housing, land and property rights of refugees and internally displaced persons are respected. The Government of the Syrian Arab Republic must make sure that changes to the existing legal framework also respect the property rights of all Syrians and that any laws that are discriminatory in intent or application or that otherwise violate fundamental human rights are repealed promptly. It will be essential to guarantee that persons wishing to return and who have a home to return to can do so. While this is a long-term and technical process, it requires careful consideration of the existing property laws in the Syrian Arab Republic and any revisions or reforms to those laws should guarantee the rights to ownership, possession and security of tenure of the civilians who left their homes under threat or out of need.

24. In keeping with past practice, the present report draws from more than 500 interviews and encapsulates the trends over the past six months in the Syrian Arab Republic, with particular focus on the impact of the offensive against ISIL and the use of siege warfare on the civilian population. The Commission proposes a set of forward-looking principles and initiatives and makes recommendations on how these can be implemented to improve the situation of civilians in the country and help them to achieve a semblance of justice.

III. Political and military developments

25. The Syrian conflict is entering its seventh year. New military and political dynamics are taking shape. Numerous international mediation efforts have been carried out in an attempt to promote dialogue between the conflicting parties and reach a political settlement.

[2] See A/66/865-S/2012/522, annex.

Recent military victories by pro-Government forces have weakened the opposition and impacted the peace talks. Reaching international consensus is complicated as the underlying interests of the parties diverge. These trends have recently been characterized by military victories, including by the Syrian Army and the Syrian Democratic Forces against ISIL in Raqqah and Dayr al-Zawr.

26. Despite evolving conflict dynamics in the eastern part of the country and rising levels of violence in Idlib and eastern Ghutah (Rif Damascus), the use of ceasefires, in some instances, has reduced violence. Most recently, a ceasefire brokered by the United States of America, the Russian Federation and Jordan in July 2017 led to a decrease in the levels of violence in the south-west of the country, particularly in Dar'a, Qunaytirah and Suwaydah. More generally, July and August 2017 were characterized by Russian efforts to operationalize local ceasefire accords with armed groups, including in northern Homs and eastern Ghutah (Rif Damascus).

27. On the military front, the Syrian Army made significant gains against ISIL in the oil-rich desert to retake control of Dayr al-Zawr. In that context, the United States and the Russian Federation agreed on a "deconfliction line" along the Euphrates River whereby areas south of the Euphrates fall under the control of the Government, the Russian Federation and the Islamic Republic of Iran, and areas north of the river would be controlled by the United States and the Syrian Democratic Forces. Tensions between the Syrian Army and the Syrian Democratic Forces over the control of strategic oil fields in Dayr al-Zawr may escalate after the Government indicated in October 2017 that it planned to retake the country's natural resources.

28. At the northern front, Turkey initiated preparations for an offensive against the Syrian Democratic Forces in Afrin (Aleppo) and intensified shelling of Kurdish-held towns in northern Syria to diminish the influence of the Democratic Union Party. In Idlib, Turkish-backed armed groups continued to cede territory in the face of government advances, which has left them in isolated pockets, divided and politically marginalized. The weakening of those armed groups enabled Hay'at Tahrir al-Sham[3] to emerge as the main actor in Idlib after it had inflicted heavy military losses on Ahrar al-Sham. Throughout the reporting period, Hay'at Tahrir al-Sham endeavoured to consolidate its foothold in north-western Syria by incorporating smaller, locally entrenched groups in Hamah and Idlib governorates and forcibly exerting control over the civilian administration in Idlib. Nonetheless, widespread civilian protests hindered Hay'at Tahrir al-Sham from retaining control of key urban centres.

29. Tensions also rose between the Government and the Democratic Union Party in late August 2017, after the Kurdish-led authorities unilaterally announced their intention to hold communal and local elections to consolidate administrative control over Kurdish-controlled areas. Outbreak of the unrest in 2011 and the subsequent withdrawal in 2012 of Syrian authorities from Kurdish territories enabled the Democratic Union Party to consolidate power and legitimize its project to establish a de facto autonomous region. Militarily, Kurdish forces continued to secure control over major gas and oil fields after launching a military campaign in September 2017, with the support of the United States, to liberate Dayr al-Zawr.

30. Following the May 2017 agreement between the Russian Federation, Turkey and the Islamic Republic of Iran to establish de-escalation zones to reduce levels of violence in certain Syrian governorates, the guarantor States met in Astana on 14 and 15 September for a new round of talks to decide on the implementation of the agreement over a six-month period in northern Homs, eastern Ghutah (Rif Damascus) and Idlib. Despite the agreement, the situation in eastern Ghutah — under siege since 2013 — continued to deteriorate after airstrikes and military ground operations by the Syrian Army intensified, further tightening the siege and consequently worsening the humanitarian situation for over 390,000 confined civilians. Infighting among armed groups moreover affected the population, despite the

[3] Hay'at Tahrir al-Sham is an umbrella coalition of extremist factions led by the terrorist group Jabhat Fateh al-Sham (formerly Jabhat al-Nusra).

ceasefire negotiated between Faylaq al-Rahman, Jaysh al-Islam and the Russian Federation in July and August.

31. Russian and Syrian forces escalated aerial operations in early October 2017 on Idlib and Hamah after Hay'at Tahrir al-Sham opened an offensive against Government positions in northern Hamah. The campaign focused on the remaining opposition pockets in Idlib and north-eastern Hamah as well as on retaking strategic infrastructure such as the Abu Duhur airbase (see para. 76). Turkish troops concurrently moved into Idlib as part of an operation to enforce a de-escalation zone, while simultaneously shelling Hay'at Tahrir al-Sham positions in support of a Free Syrian Army advance. In the central part of the country, after a four-month long military campaign, Syrian Democratic Forces declared Raqqah liberated from ISIL on 20 October 2017, and established a civil council to administer the city.

32. Military campaigns accelerated throughout November 2017, with the Syrian Army scoring major victories in the south, and declaring on 3 November that it had taken full control over the city of Dayr al-Zawr. In the north-west, Hay'at Tahrir al-Sham continued to lose its military sway after the defection of two large components — Nour al-Din al-Zenki and Jaysh al-Ahrar. The defections created hostilities between Hay'at Tahrir al-Sham and Nour al-Din al-Zenki and triggered violent clashes in western Aleppo. In an attempt to end the clashes, both groups signed an agreement in mid-November, which resulted in an immediate cessation of hostilities.

33. On the diplomatic front, the presidents of the United States and the Russian Federation signed a statement on 11 November 2017 at the Asia-Pacific Economic Cooperation summit in Vietnam, highlighting the need for a constitutional reform process and the scheduling of United Nations-supervised elections in the Syrian Arab Republic. On 21 November, a day before the beginning of the Turkish-Iranian-Russian tripartite summit on the Syrian Arab Republic, President Putin and President al-Assad agreed that the military operation in the Syrian Arab Republic was coming to an end and they emphasized the need to launch a political process that would encompass a Syrian national dialogue congress to be held in Sochi, Russian Federation. With diverging Russian and American opinions over the future role of United States troops in northern Syria, Kurdish aspirations for self-determination as well as efforts to reach a political settlement in Sochi will remain contentious issues and no doubt impact efforts to build international consensus on the political settlement to the crisis. Saudi Arabia also endeavoured to shape the peace process by hosting a meeting in Riyadh, from 22 to 24 November, aimed at forming a joint delegation that would represent different factions of the Syrian opposition at the next round of Geneva peace talks. At the end of the meeting, the Syrian opposition issued the Riyadh II declaration, in which it announced the creation of a 50-member body to participate in the Geneva talks and engage in direct negotiations with the Government, without preconditions.

34. On 28 November, the Special Envoy of the Secretary-General for Syria, Staffan de Mistura, opened the eighth round of intra-Syrian peace talks in Geneva, which focused on the constitutional process and the scheduling of United Nations-supervised elections in the context of implementing Security Council resolution 2254 (2015). The delegation of the Government of the Syrian Arab Republic postponed its departure for the talks following the publication of the Riyadh II statement, which, according to the Government, contains a precondition for President al-Assad to leave the country. Although the Special Envoy extended the talks until 15 December, the goal of holding direct talks between the Government and the opposition was not achieved.

35. On 11 December 2017, President Putin visited Humaymim airbase (Ladhiqiyah) to announce the withdrawal of a significant part of the contingent of Russian troops following the declaration by the Chief of Staff of the Russian Armed Forces that the country has been completely liberated from ISIL. On 21 and 22 December, the Government of Kazakhstan hosted the eighth round of the Astana talks, which focused on the situation in the de-escalation zones and the issue of releasing detainees. At the end of the meeting, the guarantor States issued a joint statement announcing the beginning of preparations for the Syrian National Dialogue Congress to be held in Sochi on 29 and 30 January 2018. In response, more than 40 opposition groups called for a boycott of the Sochi congress,

claiming that the Russian Federation was seeking to bypass the United Nations-facilitated intra-Syrian talks in Geneva.

IV. Fall of Islamic State in Iraq and the Levant

A. Raqqah

36. As early as February 2012, the Commission expressed concern that the conflict carried the risk of radicalization[4] and, since then, it has consistently documented violations by terrorist and extremist groups. Through the use of indiscriminate attacks or attacks against civilians, often with sectarian undertones, these groups had been responsible for countless deaths of men, women and children. On 2 October 2017, ISIL carried out a suicide bombing in the Maydan neighbourhood of Damascus city, killing 17 persons, including several police officers, and injuring 20 others. Similar attacks had been carried out by the terrorist group against internally displaced persons who had fled battles in Raqqah and Dayr al-Zawr, killing and wounding dozens, including women and children (see annex III, para. 14).

37. Since 2013, ISIL had prioritized the building of a "state" or "caliphate". By targeting local leaders and activists and exploiting social fragmentation and economically desperate communities, it quickly gained control over a considerable swathe of territory in the country, with Raqqah city serving as its de facto capital. Designated a terrorist group by the Security Council, ISIL became synonymous with brutality.[5] The Commission has reported on its findings of genocide,[6] crimes against humanity and war crimes[7] committed by ISIL.

38. In November 2016, the Syrian Democratic Forces announced that it would be launching "Operation Wrath on the Euphrates" aimed at capturing Raqqah governorate. After quickly advancing across the governorate, in June 2017, the Forces launched the last stage of the operation to take control of Raqqah city. Their ground offensive was carried out together with extensive air support from the international coalition.[8] Although by mid-October, the Forces and the international coalition had successfully ousted ISIL, the battle for Raqqah city was marked by violations committed by all sides and came at an extremely high cost to civilians. At the height of the operation, the international coalition conducted about 150 airstrikes daily that resulted in the destruction of much of Raqqah city[9] and large numbers of civilian casualties. In an attempt to escape the violence, some 200,000 people left their homes, with no choice but to move to camps for internally displaced persons managed by the Syrian Democratic Forces, where they were held in internment (see annex III, paras. 12–18). Some of the few who stayed in the city were used by ISIL as human shields to prevent advances by enemy forces.

1. International coalition airstrikes

39. On the night of 20 to 21 March 2017, at approximately 11 p.m., United States-led coalition forces carried out an airstrike against Al-Badiya school in Mansurah (Raqqah), an area that was under ISIL control at the time. The Commission initially reported on that incident in July 2017[10] and its findings are detailed in annex IV below (paras. 7–11). The Commission conducted 20 interviews with survivors, relatives of victims, rescuers, village

[4] See A/HRC/19/69, para. 124.
[5] See A/HRC/27/CRP.3.
[6] See A/HRC/32/CRP.2.
[7] See A/HRC/27/CRP.3.
[8] Since 2014, an international coalition of more than 60 countries joined together to combat ISIL through a variety of means, including airstrikes.
[9] United Nations Institute for Training and Research (UNITAR), Operational Satellite Applications Programme (UNOSAT), "Syria: Ar Raqqa/Ar Raqqa governorate", Imagery analysis taken 21 October 2017, published 1 December 2017, available at http://unosat-maps.web.cern.ch/unosat-maps/SY/CE20130604SYR/UNOSAT_A3_Raqqa_Damage_Points_20171021.pdf.
[10] See A/HRC/36/55, para. 79.

residents and individuals on site after the airstrike and concluded that the school had been housing internally displaced families since 2012. Of more than 200 residents in the school, 150 were killed. The Commission identified 12 survivors, several of whom had sustained serious injuries, including severe burns and loss of limbs. Among the survivors there were four women and six children, the youngest of who was a 10-month-old baby.

40. During a briefing of journalists on 28 March 2017, the Combined Joint Task Force established by the international coalition took responsibility for the strike, claiming that it had targeted 30 ISIL fighters whom it claimed were using the school. The Task Force stated that it could not corroborate that the school was used by internally displaced persons.

41. Information gathered by the Commission does not support the claim that 30 ISIL fighters were in the school at the time of the strike, nor that the school was otherwise being used by ISIL. Rather, the status of casualties and the nature of the Al-Badiya building is widely divergent from the international coalition's assessment. Information that residents of the school were internally displaced families, including a large number of women and children, and that the school had been used to shelter internally displaced persons since 2012 should have been readily available to the coalition's targeting team. The Commission therefore concludes that the international coalition should have known the nature of the target and failed to take all feasible precautions to avoid or minimize incidental loss of civilian life, injury to civilians and damage to civilian objects, in violation of international humanitarian law. The subsequent investigation conducted by the international coalition should have been able to identify the high number of civilian casualties resulting from this incident.

2. Ground operations of the Syrian Democratic Forces

42. As part of forced conscription campaigns in areas under its control, the Syrian Democratic Forces continued to conscript men and children for military service throughout the reporting period. Conscripts, including children as young as 13, receive basic training before being deployed to active frontlines. In July 2017, two boys, aged 15 and 16, enlisted with the Syrian Democratic Forces in Tabaqah (Raqqah). The youngest subsequently sustained an arm injury in battle. In another instance, one Raqqah resident who had fled the city in mid-July 2017 was stopped with his family upon arrival in the territory held by the Syrian Democratic Forces and interrogated by a Kurdish teenage boy in uniform. Although less frequent, girls have also been recruited: a teenage girl was recruited by the Syrian Democratic Forces in Raqqah in October 2017. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which the Syrian Arab Republic adopted in 2003, sets — without reservation — 18 years as the minimum age for direct participation in hostilities, recruitment into armed groups and compulsory recruitment into armed forces by governments.

43. The Commission received reports that the Syrian Democratic Forces asked returnees to Tall Abyad (Raqqah) to volunteer one man from each family for military service, which, in effect, prevented some families from going back to their homes. In other instances, families have opted to move away from areas held by the Syrian Democratic Forces to avoid reprisals, including arrest, for refusing conscription. Forced conscription of men has also been reported in internally displaced persons camps, and some men have been arrested for refusing to join the Forces.

44. Journalists and activists have been intimidated and arrested for reporting on alleged violations committed by the Syrian Democratic Forces and the international coalition in Raqqah city, Tall Abyad and Tabaqah. In several instances, the Forces arrested and detained relatives of the wanted activists for periods of up to six weeks in order to obtain information about their whereabouts and pressure the activists to come forward. The Syrian Democratic Forces also arrested relatives of members of the Free Syrian Army and ISIL for interrogation. Several of those detained were women and children, including a 16-year-old girl and a 10-year-old boy. Family members reported being denied information on the detainees, including the location of the detention facility and the reason for their detention. Some male detainees were reportedly beaten and burnt with cigarettes and did not receive medication for chronic illnesses such as diabetes.

3. Islamic State in Iraq and the Levant

45. In June 2017, the Syrian Democratic Forces and affiliated groups, including the Free Syrian Army and tribal elements from Raqqah governorate,[11] primarily, encircled and gained control over parts of Raqqah city with air support from the international coalition. By then, an estimated 200,000 residents had left the city, but some 50,000 remained trapped inside. While most of those who could do so left the city, others such as the elderly and the infirm had no choice but to remain. Some interviewees said that they had decided to remain because they feared that ISIL would confiscate their homes if they left. Initial reports that ISIL was preventing civilians from leaving emerged in late June 2017 and continued until the end of the offensive to repel ISIL from Raqqah city in October.

46. As the Syrian Democratic Forces gained territory, it became more difficult for civilians to escape. Before June 2017, ISIL allowed some civilians, including the sick, to move to Raqqah countryside under their control. However, once the Syrian Democratic Forces encircled the city, ISIL stopped the practice and ordered residents living in the outskirts of the city to move to the centre. In early August, ISIL ordered a family in Albu Saraya neighbourhood to move to another building, which was hit by an airstrike two hours later. An estimated 30 civilians were killed in that strike. After the encirclement, it also became increasingly difficult for civilians to escape to the south using the old bridge over the Euphrates River, as the area became a frontline and ISIL planted landmines in areas where it lost control, forcing many civilians to pay smugglers to guide them through those areas.

47. ISIL used a variety of means to prevent civilians from leaving Raqqah city, including ordering civilians to move from neighbourhoods whose control it had lost to the Syrian Democratic Forces, as well as using snipers and landmines. An extended family consisting of more than 20 people were reportedly leaving the city in mid-July after the Syrian Democratic Forces approached their neighbourhood, but ISIL ordered them to move to a western area which was still under its control. When the family sought to escape at night using the old bridge, they were shot at by ISIL snipers. Fortunately, no one was injured. Another group using the same route in early August was shot at by ISIL snipers; and four people, including two women and a disabled 11-year-old girl, were killed when a landmine exploded.

48. By ordering civilians to move to areas that it controlled and actively preventing them from leaving by sniping and laying landmines, ISIL attempted to render Raqqah city immune from further attack by using civilians as human shields. By deliberately placing civilians in areas where they were exposed to combat operations, for the purpose of rendering those areas immune from attack, ISIL militants committed the war crime of using human shields in Raqqah governorate.[12] Further, interviewees recalled that, from a doctrinal viewpoint, ISIL considered those attempting to leave Raqqah city as apostates who were leaving *dar al-Islam* (the territory of Islam) towards *dar al-harb* (the territory of war) and as such they were targetable.

49. Despite the fact that civilians were being used as human shields, international coalition airstrikes continued apace on a daily basis, resulting in the destruction of much of Raqqah city and the death of countless civilians, many of whom were buried in improvised cemeteries, including parks. Some of those interviewed said that they had attempted to recover bodies from under the rubble, but were often unable to owing to the lack of heavy machinery. As the number of fatalities mounted, international agencies expressed concern about the risk that the bodies posed to public health, including the spread of diseases.

[11] Those elements were mainly from Al-Sanadid Forces militia and Jabhat Thuwar al-Raqqah front.

[12] See, for example, International Criminal Tribunal for the former Yugoslavia, *Prosecutor v. Radovan Karadžić*, case No. IT-95-5/18-T, judgment of 24 March 2016 (four volumes), vol. 199, para. 525.

B. Dayr al-Zawr

50. As in Raqqah, successful military operations to recapture Dayr al-Zawr from ISIL militants were marked by concerted aerial attacks, carried out primarily by pro-Government forces, which in effect served to compound the suffering of thousands of civilians who had been living under ISIL for over three years. ISIL militants encircled Government-held neighbourhoods in Dayr al-Zawr city in June 2014 and denied all commercial and humanitarian access to the besieged population. On 22 August, pro-Government forces officially launched an offensive to recapture Dayr al-Zawr and broke the three-year ISIL-laid siege on parts of Dayr al-Zawr city on 5 September.[13]

51. After two months of clashes, the Syrian Ministry of Defence announced that Government forces had gained full control of the city. On 6 December 2017, Syrian State television proclaimed that Dayr al-Zawr governorate had been liberated from ISIL. That was echoed by the Chief of Staff of the Russian Armed Forces on the same day, who also announced that the Russian forces had taken over Dayr al-Zawr city on 3 November. Despite those pronouncements, pro-Government aerial operations against remaining ISIL targets appeared ongoing, particularly in certain swathes of desert terrain.

52. Civilians who were able to flee Dayr al-Zawr recalled the level of destruction they had witnessed; the majority consistently described how some 80 per cent of the city had been severely damaged due to airstrikes.[14] Numerous witnesses reported that pro-Government forces made no distinction about military objectives and that hundreds of civilians in residential areas had perished in airstrikes.

53. Prior to September 2017, ISIL militants actively prevented civilians from leaving Dayr al-Zawr by employing street patrols, who operated mostly in the evening. Any civilian attempting to leave Dayr al-Zawr was apprehended and taken to the nearest *hisbah* (ISIL police) station, where he or she was either made to pay a fine for disobedience or corporally punished by whipping. After September, when aerial attacks markedly intensified and ISIL began losing control over the population, the ensuing chaos rendered *hisbah* street patrols unfeasible and ISIL resorted to the use of checkpoints. As in Raqqah, ISIL deliberately placed civilians in harm's way in order to render areas immune from attack, which amounts to the war crime of using human shields.

54. Unable to cope with the scale of the offensive against them, in September 2017, ISIL began a campaign to forcibly conscript new recruits, by issuing a decree ordering the conscription of all men between the ages of 20 and 30. To implement the decree, checkpoints were established in both the city and countryside. Buses and taxis were stopped and searched, and male passengers were made to attend religious repentance (*istitabah*) lessons, followed by military training. After a few months, the men were sent directly to the frontlines.

55. By September, as ISIL lost control of the population, tens of thousands of civilians headed north towards Kurdish-held areas (see annex III). Hundreds of others, however, attempted to cross the Euphrates River on ferries previously used to transport cargo, vehicles and cattle. On 11 and 12 September, pro-Government forces attacked ferries crossing the Euphrates at Kharita. On 11 September, at approximately 10.30 a.m., between 40 and 50 individuals were on board the Kharita ferry when pro-Government forces launched an aerial strike against it. 30 civilians were killed, many having drowned. Witnesses maintained that there were no ISIL militants aboard the ferry.

56. Similarly, on 9 and 10 September, at Al-Bouleel crossing point, pro-Government forces launched aerial attacks against ferries set to depart on the Euphrates. On 9 September, at approximately 11 a.m., an aerial attack hit the Shamia al-Jazeera crossing point where civilians attempting to flee were waiting. At least 32 civilians were killed in the

[13] See, for example, A/HRC/31/68, paras. 127–129 for siege of Dayr al-Zawr by ISIL.

[14] UNITAR, UNOSAT, "Syria: Deir Ez Zor, Deir Ez Zor governorate, Imagery analysis done 9 November 2017, published 21 November 2017, available at http://unosat-maps.web.cern.ch/unosat-maps/SY/CE20130604SYR/UNOSAT_A3_Deir_Ez_Zor_Damage_Points_20171109_Optimized.pdf.

attack, including women and children. Photos of remnants provided by interviewees indicated that RBK-250 and RBK-500 cluster bombs were used. The use of cluster munitions in civilian populated areas is inherently indiscriminate (given their typically wide dispersal pattern and high dud rate, which continue to endanger civilians years after the cessation of hostilities). They are therefore prohibited by customary international humanitarian law. Their use by pro-Government forces in Dayr al-Zawr city constitutes the war crime of indiscriminate attacks in a civilian populated area.

V. Internally displaced persons

57. At least 6.5 million Syrians have been displaced within the Syrian Arab Republic as a result of hostilities, including almost 3 million children. Well over one million Syrian civilians were displaced in 2017. Displacement comes in many forms. In some instances, pro-Government forces have repeatedly attacked civilian infrastructure in besieged areas, leading to the displacement of civilians who were able to flee, and thousands of civilians have been forcibly displaced in the framework of reconciliation, which often entails local truces and evacuation agreements.[15]

58. Many civilians who were forcibly displaced from opposition-held areas found themselves accommodated in schools in Idlib, which were ill-prepared to receive them. Others had no choice but to reside in overcrowded camps or unfamiliar towns, where they lacked basic resources. In Idlib and the neighbouring Aleppo countryside, internally displaced persons live under near-constant bombardment (see paras. 77–79) and do not receive sufficient humanitarian aid. Pursuant to evacuation agreements, pro-Government forces have transferred populations sympathetic to it to areas under Government control in Homs, Tartous and Ladhiqiyah governorates, where conditions are starkly better.

59. In other situations, civilians have been displaced as a result of hostilities or have fled in advance of clashes. Operations against ISIL in Raqqah and Dayr al-Zawr triggered one of the single largest waves of internally displaced persons since 2011. By June 2017, tens of thousands of Syrians from Raqqah and Dayr al-Zawr had begun perilous journeys to escape, crossing frontlines and risking landmines, to relocate to desert camps administered by the Syrian Democratic Forces in northern Raqqah and Hasakah governorates. The total number of persons who fled Raqqah and Dayr al-Zawr stands at 320,000. In northern Raqqah and Hasakah, the Syrian Democratic Forces have interned 80,000 internally displaced persons in order to vet them for possible connections to ISIL. Irrespective of the legitimacy of a security threat, the blanket internment of all internally displaced persons from Raqqah and Dayr al-Zawr by the Syrian Democratic Forces cannot be justified. Among the civilians currently interned are women, children, the elderly and infirm, disabled persons and others who do not represent any imperative security threat and whose continued detention is manifestly unnecessary on any grounds. In many instances, the ongoing internment of those individuals amounts to arbitrary deprivation of liberty and the unlawful detention of thousands of individuals.

VI. Returnees and barriers to return

60. In addition to the precarious situation of those who have been internally displaced within the country, up to 600,000 Syrians have returned from abroad and are also internally displaced persons since they could not return to their homes. Throughout Raqqah city, booby traps and landmines planted by ISIL and explosive remnants from airstrikes prevent the feasibility of civilian return. No civilians who had been forcibly displaced to Idlib under local truces and evacuation agreements have returned to their homes.

[15] The Commission has previously documented the forcible displacement of civilians by Government forces from eastern Aleppo city (see A/HRC/34/64, para. 93), Madaya (Rif Damascus), Barza, Tishreen and Qabun (eastern Damascus) (see A/HRC/36/55, para. 35) to Idlib governorate.

61. Many internally displaced persons were displaced multiple times as a result of conflict or difficulties concerning security of tenure and rising food and housing prices in their places of displacement. In addition to the thousands who have been internally displaced as a result of hostilities in Raqqah and Dayr al-Zawr, large numbers of previously displaced persons in Idlib were again displaced in November and December 2017. The waves of displacement impose constraints on host communities as demand pushes up rental and commodity prices, while employment opportunities remain limited. Displaced persons, in particular female-headed households, suffer disproportionately to access basic rights, including the right to adequate housing.

62. The risks associated with the conflict, including the likelihood of violence, discrimination or detention constitute barriers preventing certain communities from returning to their places of origin immediately. Furthermore, the massive scale of destruction and contamination from explosive remnants of war throughout the country serve as long-term barriers which will require significant resources and political will to clear and make safe contaminated areas, reconstruct homes and infrastructure, and restore the fragmented social fabric of Syrian communities.

63. In this context, the Commission continues to receive reports concerning actual and proposed changes to the legislative framework on housing, land and property rights that have the potential to seriously limit the ability of internally displaced persons and refugees from returning to their homes. For instance, Law No. 33 of 2017 regulating the reconstitution of lost or partially damaged title deeds, which was approved by Presidential Decree on 26 October 2017, sets out detailed criteria for the identification and administrative and legal reconstitution of lost or damaged title deeds in respect of immovable property.[16] Although the provisions of the law, in particular its notification procedures, appear to comply with the right to a fair hearing, the law does not appear to address the situation of internally displaced persons or make provisions for their notification should they have a stake in decisions to reconstruct their titles either administratively or judicially.

64. Other laws that may impact the ability of internally displaced persons to access their properties are under consideration. For example, there have been reports that a recent draft law in the Syrian Parliament, which requires payment of US$ 8,000 to be exempted from military service and imposes financial penalties on those who fail to report or pay, also provides for the possibility of seizure by the Government of movable and immovable property.[17] Although the draft law had not been officially promulgated at the time of drafting the present report, interviewees believed that it was unofficially in force and they highlighted the difficulties that internally displaced persons faced to access reliable legal information concerning issues impacting property rights, which represents another barrier to their right to return to their places of origin.

VII. Detained and missing persons

65. Throughout the Syrian Arab Republic, civilians continued to be arbitrarily arrested, tortured and held in inhuman conditions of detention. All parties to the conflict routinely denied detainees due process and fair trial rights. Detainees released in 2017 from Government-held facilities, including the Aleppo and Damascus Political Security branches, described being beaten during interrogation to provide information or to force confessions.[18] Overcrowded cells, lack of adequate sanitation and lice infestations caused a variety of ailments, including the spread of skin infections. In many cases, detainees were released after their families paid bribes to the officials.

[16] See www.sana.sy/?p=649244, "A law regulating the reconstitution of a lost or damaged real estate document", 26 October 2017.

[17] See www.sana.sy/?p=656572, "The People's Assembly approves a draft law concerning those who have passed the mandatory age for compulsory service and another on linking the public register of workers in the State with the Ministry of Administrative Development", 8 November 2017.

[18] See also A/HRC/31/CRP.1.

66. Across Raqqah, Dayr al-Zawr, and Hamah governorates, ISIL detained civilians accused of violating its rules or suspected of cooperating with enemy forces, members of minority religious groups, journalists and activists accused of reporting on alleged violations committed by the group. In late July 2017, ISIL arrested and beat a young man in southern Dayr al-Zawr governorate for possessing Internet cables, accusing him of assisting Government forces. In another incident, in mid-October, the group arrested some 40 members of the Druze community in Hamah countryside thereby continuing its practice of arbitrarily detaining religious minorities.

67. Some anti-Government armed groups used makeshift detention sites in areas under their control to hold civilians. For example, on 1 November 2017, Nour al-Din al-Zenki detained three civilians, including a member of the Free Education Directorate, in Darat Izza (Aleppo). The arrests took place during clashes with Hay'at Tahrir al-Sham in Aleppo governorate. During a month of detention, at least two of the detainees were beaten, kept in solitary confinement and forced to fingerprint a confession. Two of the detainees were released after being brought before a "military" judge of the armed group.

68. During the course of operations in Raqqah and Dayr al-Zawr, Syrian Democratic Forces claimed that they had detained 1,397 "terrorist" fighters, the majority of whom are or were ISIL members, including hundreds of foreign fighters from as many as 30 countries.[19] Women and children associated with ISIL were also being held. While Syrian Democratic Forces had indicated that it was seeking to return foreign fighters, spouses and children to their countries of origin, they reported that States had thus far declined to repatriate their nationals, which left them in legal and administrative limbo. Syrian nationals held as ISIL fighters will reportedly be "judged" by "courts" affiliated with Syrian Democratic Forces.

69. International human rights law and humanitarian law impose clear obligations on States and all parties to non-international conflicts regarding the treatment and protection of persons in their custody. Regardless of the lawfulness of their detention, detainees are entitled to conditions of detention that respect their inherent dignity under article 3 that is common to the four Geneva Conventions as well as customary international humanitarian law.

VIII. Life under siege

70. Over the past five years, the use of siege warfare has affected civilians more than any other tactic employed by the warring parties, and is consistently characterized by denial of the rights to freedom of movement, food, water, education, health care and the right to life. The most devastating of the sieges was that of eastern Aleppo that was laid by pro-Government forces between July and December 2016.[20] Close to 420,000 Syrian civilians remain confined in besieged locations and 90 per cent of them now subsist in dire circumstances in eastern Ghutah (Rif Damascus). An additional 2.9 million Syrians live in areas that are hard to reach by humanitarian actors. Pro-Government forces, armed groups and terrorist organizations have routinely denied the delivery of vital foodstuffs, health items, and other essential supplies to besieged civilian populations in an effort to compel the surrender of armed groups governing them. As noted by the Commission[21] in January 2016, Government forces used starvation as a method of warfare in the siege of Madaya (Rif Damascus), which constitutes a war crime.[22] Starvation has led to severe acute malnutrition and has had a disparate impact on expectant mothers and children. Malnutrition is exacerbated by the routine denial of medical evacuations.

[19] See People's Defense Units, "2017 Balance sheet of war — Syrian Democratic Forces", press release 3 January 2018, available at www.ypgrojava.org/2017-Balance-Sheet-of-War-°±E2°±80°±93-Syrian-Democratic-Forces.

[20] See A/HRC/34/64.

[21] See A/HRC/31/68, para. 120.

[22] See International Committee of the Red Cross, rule 156.

71. The protracted siege of eastern Ghutah (see annex II for details), is now entering its fifth year. Like that of eastern Aleppo city, the siege of eastern Ghutah by pro-Government forces has been characterized by the lack of access to sufficient food, limited deliveries of humanitarian aid and the denial of medical evacuations. The Commission has documented the use of prohibited chemical weapons and cluster munitions in densely populated areas and attacks against civilian and protected objects, including schools and hospitals. Although they are protected objects, hospitals in besieged areas struggle to operate in damaged facilities that have been the object of repeated attacks,[23] and often without the most basic equipment and medication for which delivery has been denied. Fearing bombardments against hospitals, expectant mothers have often opted to give birth at home without medical assistance. The Security Council, through its resolutions 2165 (2014), 2191 (2014) and 2258 (2015), authorized the unconditional delivery of humanitarian assistance, including medical assistance, to besieged and hard-to-reach communities countrywide. Nonetheless, the brutal siege of eastern Ghutah and surrounding areas in Damascus endures.

IX. Erosion of civilian infrastructure

72. Since the inception of the Syrian conflict, attacks against civilian and protected objects by all parties have been a grotesque feature, in violation of international humanitarian law. Hospitals, places of worship, civil defence centres, densely-populated residential areas, homes, bakeries, markets and, to a lesser extent, schools have been razed by indiscriminate attacks or, more commonly, have deliberately been targeted for attack. Children throughout Syria remain disproportionally vulnerable to violence and abuse, and continue to be denied the protection to which they are entitled under the Convention on the Rights of the Child, to which Syria is a party.

A. Hospitals

73. Nowhere have attacks against civilian and protected objects been more apparent than against hospitals and medical facilities in opposition-held areas, including those besieged by pro-Government forces. Those attacks markedly increased in frequency as of October 2015. Over the past two years, numerous hospitals and medical facilities have been operating from reinforced basements or caves dug into the mountains, with the aim of reinforcing them from exposure to attack. Out of fear of attack, health-care administrators have ceased using a distinctive emblem as is generally required by international humanitarian law.

74. Hospitals, medical units and medical personnel are afforded special protection under international humanitarian law because of their specific humanitarian function. Parties to a conflict must take additional, specific measures prior to targeting such objectives. In no instances recorded, however, have pro-Government forces or armed groups ever given warning prior to attacking hospitals, medical units or civil defence centres. The lack of warnings and the absence of military objectives within and near hospitals demonstrate that pro-Government forces deliberately target medical infrastructure as part of their war strategy, which constitutes the war crime of intentionally targeting protected objects. Furthermore, deliberate attacks against medical staff and ambulances constitute the war crimes of intentionally attacking medical personnel and medical transport.

75. During the period under review, the Commission documented the ongoing pattern of deliberate attacks by pro-Government forces on hospitals in Idlib (see annex IV, paras. 2–6), Hamah (see annex III, para. 21) and eastern Ghutah (see annex II, paras. 25–28).

[23] See A/HRC/34/64, paras. 30–40.

B. Schools

76. Between September and December 2017, as Government ground forces in Aleppo and Hamah advanced towards Idlib from the north, east and south, pro-Government forces concurrently launched a series of airstrikes against at least seven schools in the Aleppo countryside bordering Idlib. All but one attack were carried out at times when children were not present, evincing a pattern intended to decimate the structures and minimize civilian casualties. Affected schools were located in a militarily strategic area leading up to Abu al-Duhur airbase and the railway connecting Aleppo and Damascus. After laying two years of siege, Jabhat al-Nusra militants and affiliates captured the Abu al-Duhur airbase from Government forces in September 2015.[24] Details on the attacks against schools in Aleppo can be found in annex IV, paras. 7–18. The Commission has also documented attacks against schools in the context of the siege of eastern Ghutah by pro-Government forces (see annex II, paras. 20–23).

C. Markets

77. The pattern of attacks affecting crowded market places continued during the reporting period.[25] For example, on 13 November 2017, minutes after 2 p.m., a series of airstrikes hit the main market as well as surrounding houses and the Free Syrian police station in Atarib (Aleppo). The airstrikes killed at least 84 people, including 6 women and 5 children, and injured another 150 or so. The impacted site was located in a densely civilian-populated area. In addition to shops, restaurants, commercial offices and family homes, two schools operated nearby (see annex IV, paras. 19–31 for details).

78. Information available indicates that the strikes were conducted by a Russian fixed-wing aircraft using unguided weapons, including blast weapons. The use of such weapons in a densely civilian-populated area was certain to impact civilians. Some interviewees claimed that there had been ongoing infighting between Hay'at Tahrir al-Sham and Nour al-Din al-Zenki in western Aleppo governorate. The Commission also received conflicting information about a possible target.

79. All parties in a conflict must distinguish between legitimate military targets, on the one hand, and civilians and civilian objects, on the other, and use methods or means of combat that are directed at a specific military objective. There is no evidence to indicate that the above-mentioned attack deliberately targeted civilians or the Atarib market. However, the use of unguided bombs, including blast weapons, in a densely civilian populated area may amount to the war crime of launching indiscriminate attacks resulting in death and injury to civilians.

X. Recommendations

80. **In addition to the recommendations made below, the Commission reiterates the recommendations made in its previous reports.**

81. **The Commission recommends that parties to the conflict in both their conduct in military operations and their role as negotiating parties:**

(a) **End violations against the civilian population, including summary executions, hostage-taking, arbitrary arrests, enforced disappearances, torture, and sexual and gender-based violence;**

(b) **Disclose the locations of all places of detention, whether they are official, secret and/or makeshift, as well as provide complete lists identifying all detainees;**

[24] See A/HRC/31/68, para. 107.

[25] See A/HRC/28/69, annex II, paras. 2–8, A/HRC/30/48, paras. 34–35, and A/HRC/31/68, para. 77.

(c) Allow unconditional access to all places of detention by independent monitors, and, at a minimum, humanitarian organizations such as the International Committee of the Red Cross;

(d) Release children, women, the elderly and the disabled from all detention centres as advocated by the Special Envoy for Syria;

(e) Establish a mechanism, as part of any negotiated agreement, to enable the swift release of all political prisoners and others held arbitrarily;

(f) Ensure that perpetrators of crimes are held to account and that any final settlement does not include amnesties for gross violations of human rights, genocide, war crimes and crimes against humanity;

(g) End siege tactics to ensure that there is immediate and timely access and provision of humanitarian assistance to all areas affected by the conflict;

(h) Ensure that the right to return is fully respected and facilitated by guaranteeing that all return movements are voluntary and subject to informed consent to places of origin and protect all property or tenancy rights.

82. **The Commission recommends that the international community:**

(a) Support an independent mechanism with an international mandate to coordinate and consolidate claims regarding missing persons, including persons subjected to enforced disappearance;

(b) Ensure that United Nations agencies and major donors among Member States and regional organizations make the provision and facilitation of reconstruction funding and assistance contingent upon the fulfilment of benchmarks on accountability and human rights protection.

83. **The Commission recommends that the international coalition:**

(a) Take all feasible precautions to minimize harm to the civilian population, including by reviewing all tactical guidelines related to targeting in the conduct of aerial operations;

(b) Conducts further investigation into allegations of airstrikes resulting in civilian casualties, including by interviewing witnesses, and make their findings public.

84. **The Commission recommends that pro-Government forces:**

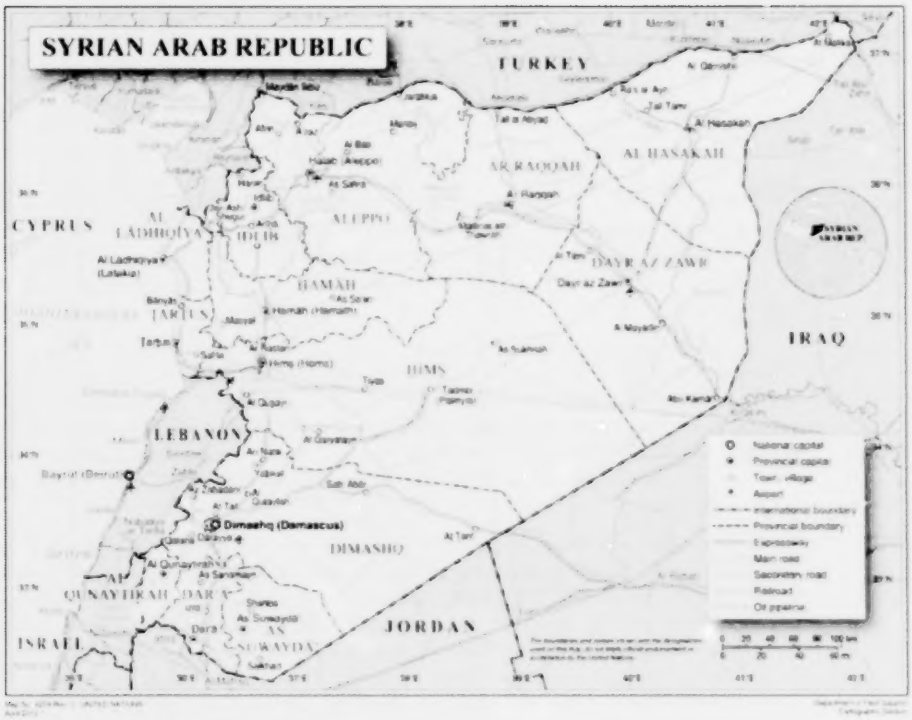
(a) Cease using unguided weapons and weapons with wide-area effects, including cluster munitions and blast weapons, in densely civilian populated areas.

Annexes

Annex I

[English only]

Map of the Syrian Arab Republic



Annex II

Siege of eastern Ghutah (Rif Damascus)

I. Evolution of the siege

1. Situated just northeast of Damascus, the rural enclave of eastern Ghutah is administratively part of the Rif Damascus governorate. It had originally been heavily forested, though with the expansion of Damascus, many neighbouring areas, particularly those in the north, were steadily cleared for development. Over the past 50 or so years, due to rising housing costs in Damascus, many people began relocating to villages on the outskirts of Damascus city. As a result, eastern Ghutah eventually became an extension of a greater Damascus. Of the cities in eastern Ghutah, Douma was the largest prior to the 2011 uprising, with a population of 600,000, and, at the time, the seventh largest city in the country. The total population of eastern Ghutah prior to the uprising was 1.5 million individuals. According to the most recent census conducted by the civilian local council in eastern Ghutah, around 390,000 individuals currently subsist in the enclave, comprising less than 70,000 families, with just shy of 100,000 of them internally displaced persons. Over 90 per cent of all besieged Syrian men, women, and children currently reside in eastern Ghutah.

2. Government forces initially laid siege to the opposition-held enclave in April 2013, where after soldiers at checkpoints began imposing stringent restrictions on the entry of humanitarian aid, including by impeding the delivery of food and vital medicine. On some occasions, soldiers demanded bribes to grant entry of even the most basic commodities. For the vast majority of the duration of siege, checkpoints served as opportunities for extortion, with pro-Government forces and armed groups both profiting off the desperation of the confined population.

3. Since 2013, inhabitants of eastern Ghutah have been incinerating plastic to generate electricity, when all fuel products coming from Government-held areas ceased. The process was completed by burning the plastic down, distilling and filtering it, and producing kerosene, benzene, and diesel. Civilians further produced natural gas by digging holes, filing them with animal waste, and covering them with plastic. By early 2015, Government forces had cut access to water in Douma. Besieged civilians began digging underground wells. Some 600 wells were dug and manual pumps installed to supply neighbourhoods with water. Children created seesaws on some pumps and played on them, in order to also pump water.

4. Between July 2014 and February 2017, residents of eastern Ghutah primarily relied on an elaborate network of manmade tunnels to smuggle in food and medicine, which helped to alleviate their suffering. Owing to bribery, food and commodities were also occasionally smuggled inside the besieged area through formal routes and sold in local markets at elevated prices. Many of those tunnels were *de facto* closed by pro-Government forces in February 2017 upon their recapturing of large swathes of municipalities in the eastern Damascus area (*e.g.*, Barza, Tishreen, and Qabun), and further closed as part of a local truce implemented between pro-Government forces and opposition groups in Qabun that May (see A/HRC/36/55, annex III, para. 6).

5. Since May 2017, the official closing of tunnels in eastern Ghutah has compounded the effects of the siege to unparalleled levels. International organisations including the United Nations have to seek and obtain Government permission prior to aid deliveries, efforts which are routinely denied. Aid deliveries on 30 October and 12 November were wholly insufficient. Supplies on 30 October, for example, were only granted for 40,000 individuals in the towns of Kafr Batna and Saqba. In December, pro-Government forces did not allow any humanitarian aid into eastern Ghutah. Over the preceding months, aid reached only ten or maximum 20 per cent of people in besieged areas countrywide. Though

intended to be de-escalation zone, aid deliveries into eastern Ghutah have been denied by pro-Government forces more often over the reporting period than in 2016.

6. Eastern Ghutah is currently under the primary control of two armed groups, namely Jaysh al-Islam (the Islam Army) and Faylaq ar-Rahman (the Rahman Legion). Both factions have consistently been attacking Government-held Damascus city with unguided mortars that have killed dozens of civilians, amounting in each instance to the war crime of launching indiscriminate attacks.[1] Other groups present in eastern Ghutah include Ahrar al-Sham, which controls the area of Harasta, and Hay'at Tahrir al-Sham, which maintains control over certain pockets.

7. Infighting between the terrorist group Hay'at Tahrir al-Sham and Faylaq ar-Rahman on one side, and Jaysh al-Islam on the other was rampant in April and May 2016, in April 2017, as well as over July and August 2017. The impact of armed group and terrorist organisation infighting posed grave risks to civilians living under their control. Specifically, civilians were denied freedom of movement within the enclave, which impacted upon their ability to access farmlands. The inability to cultivate land and produce food locally led to an increased reliance on the use of tunnels. Prior to their closing, however, infighting between rebel factions also affected the regularity of tunnel access.

8. In September 2017, Government forces closed the Wafidin crossing point close to Douma, which served as an entry point for goods and which was manned by pro-Government forces on one side and by Jaysh al-Islam on the other. By November, prices for basic commodities surged drastically. One kilogram of sugar now costs between 10,000 and 16,000 Syrian lira. One kilogram of tea costs 100,000, of salt 20,000, of vegetable oil 12,000, and one box of powdered milk between 20,000 and 25,000 lira. Many families in eastern Ghutah currently subsist on $10 to $15 USD a day, though the cost of living would require a salary of $50 to $100 USD per family per day. While seasonal vegetables remain available, very little red meat or poultry can be found.

9. Just as pro-Government forces markedly heightened aerial and ground operations on eastern Ghutah in September 2017, cases of acute malnutrition become more prominent, with several children having since died of preventable illness such as organ failure exacerbated by malnutrition. The Commission has documented numerous instances in which children suffered immeasurably as a result of malnutrition in eastern Ghutah. Around the same time, women began increasingly experiencing difficulties producing breastmilk due both to malnutrition and stress, further leading to malnutrition of their babies. Many individuals throughout eastern Ghutah are currently subsisting on one meal a day.

10. Siege conditions have further pushed armed actors in eastern Ghutah to loot food and medical supplies from civil society organisations and aid warehouses. Reportedly, on 19 October, at approximately 11 p.m., a group of around 40 armed men wearing balaclavas attacked a Provincial (governorate) Council aid warehouse in Hammourieh. They had spread across the centre of Hammourieh and erected a checkpoint 25 metres away from the warehouse. The armed men broke down the door, stormed the warehouse, and carried stored foodstuffs out and into trucks parked at the entrance. Due to their masks, civilians near the scene were unable to identify any of the armed men. Around one hour after the attack, beleaguered civilians rushed to the warehouse and began taking foodstuffs as well, rendering the warehouse empty of its stocks. On the same evening, another Provincial Council aid warehouse had been attacked by armed men, as well as a third the next

[1] Both factions have consistently been attacking Government-held Damascus city with unguided mortars that have killed dozens of civilians. After the tightening of the siege in February, armed groups began increasingly relying on rockets capable of reaching mid- and long-range areas. For example, on 17 November, a woman was left severely disabled after armed groups launched rockets into Damascus. On 19 November, shortly after 3.00 pm, armed groups located in Jobar or Harasta launched an improvised, 20-metre range rocket from the besieged enclave which struck a crowded city street (Mazza 86) on which two schools are located. One witness recalled hearing the typical "whistle" of the rocket, followed by a large explosion. Three civilians were killed in the attack, and their car destroyed. Minutes later, a similar rocket landed in an open area some dozens of meters away. Similarly, dozens more civilians died on 20 November when armed groups launched attacks against Damascus city. The Abdullah bin Rawaha mosque was reportedly damaged on the same day.

morning. Several similar incidents occurred throughout late October, including in other areas such as Beit Sawa.

11. The United Nations Security Council has issued numerous resolutions calling "on all parties to lift all sieges on populated areas, including in … Eastern Ghouta" (Res. 2139); expressing deep disturbance "by the continued, arbitrary and unjustified withholding of consent to relief operations and the persistence of conditions that impede the delivery of humanitarian supplies to destinations within Syria, in particular to besieged and hard-to-reach areas" (Res. 2165); and expressing grave concern at the "the use of starvation of civilians as a method of combat, including by the besiegement of populated areas" (Res. 2258). Despite these resolutions, the brutal siege of eastern Ghutah endures.

12. The UN Special Envoy for Syria, Staffan de Mistura, has further commented that "besiegement belongs in the Middle Ages".[2] The siege of eastern Ghutah has been characterised by pervasive war crimes including the use of prohibited weapons, attacks against civilian and protected objects, starvation as a method of warfare leading to severe acute malnutrition, and the routine denial of medical evacuations. Indeed, Government forces routinely deny humanitarian evacuations for wounded and sick civilians and fighters until surrender (truces) and subsequent evacuation, granting it only in rare instances when successful exchanges can be carried out (see A/HRC/36/55, para. 27).

II. Use of prohibited weapons

A. Chemical weapons

13. During the period under review, Government forces continued to use chemical weapons against armed group fighters in eastern Ghutah. After using chlorine against Faylaq ar-Rahman fighters in Ayn Tarma, Zamalka, and Jowbar (Damascus) in early July (see A/HRC/36/55, para. 71), the Commission documented the use of chemical weapons against Ahrar al-Sham fighters in Harasta. In the early morning hours of 18 November, a number of weapons fell on the Harasta frontline. Minutes later, 25 fighters suffered from a combination of symptoms including blurred vision, unconsciousness, contracted pupils, shortness of breath, nasal secretions, vomiting, and headaches. Two other fighters who went to the rescue reported experiencing similar symptoms. Victims were taken to a medical point where their clothes were removed, they were washed with water, and given oxygen, atropine, and pralidoxime. There were no fatalities. Most of the fighters were released from the medical point within 24 hours, though some reported suffering from symptoms up to three days later.

14. The symptoms reported and treatments described are consistent with a small-scale chemical attack involving an organo-phosphorous pesticide. The small number of casualties, the absence of fatalities, and the relatively mild symptomology with quick recovery all suggest that a small dose of chemical agent was released on the Harasta frontline. Some interviewees also reported that it rained shortly after the attack, which would have limited effects farther away.

15. The information available is insufficient to establish the weapons delivery system. Some victims said they did not see the weapon that caused the explosion, which released white smoke, and others said it was caused by an artillery shell. Second-hand information suggesting the agent originated from a hand-grenade, which would be an extremely unlikely delivery system, was denied by victims. While the Commission is unable to establish the delivery system, it notes that the attack follows a pattern of Government forces using chemical weapons against fighters in eastern Ghutah, including in three instances in July, and that there are no documented incidents of armed groups using organo-phosphorous pesticides. Interviewees consistently said they believed the weapon originated

[2] UN News Centre, *'Medieval' sieges, barrel bombs are 'disgusting reality' in Syria — senior UN officials*, 23 June 2016, *available at* www.un.org/apps/news/story.asp?NewsID=54308#.WIu0BK6nHIU.

from Government forces positions. It is therefore concluded that there are reasonable grounds to believe that Government forces used chemical weapons in Harasta on 18 November.

16. The use of chemical weapons is prohibited under customary international humanitarian law regardless of the presence of a valid military target, including when used against enemy fighters, as the effects of such weapons are designed to cause superfluous injury and unnecessary suffering.

B. Cluster munitions

17. Pro-Government forces further used cluster munitions in densely populated civilian areas on at least three occasions in eastern Ghutah during the period under review, continuing a pattern previously documented in Douma (Rif Damascus),[3] Aleppo,[4] Dayr al-Zawr,[5] and Idlib.[6] All three documented incidents took place over the span of four days. Given their typically wide dispersal pattern and high dud rate, which continues to endanger civilians years after a cessation of hostilities, cluster munitions are inherently indiscriminate weapons when used in densely populated civilian areas. In such cases, including the two incidents described below, their use constitutes the war crime of launching indiscriminate attacks in a civilian populated area.

18. At around 7 a.m. on 15 November, residents in Saqba awoke to the sound of explosions, which injured seven persons, including one girl. Approximately half an hour later, another explosion was heard. Eyewitnesses recalled that a few seconds later, a number of smaller bombs exploded. In total, ten persons were injured including two women and four children under the age of 15. Subsequently, on 18 November, at around 3.30 p.m., three weapons struck a residential area in Hammourieh. When rescuers were arriving to the hospital with those injured by the first weapon, a second weapon released numerous bomblets hitting the vicinity of the hospital, which was located in a residential area. One man was killed and at least 25 persons were injured in the second incident, including three children, one of whom received surgery. Images of weapons remnants taken at the scenes of the 15 and 18 November incidents show multiple 3-O-8 rocket assisted mortar cargo canisters and their O-10 submunitions. These are cluster bombs fired from either the M-240 towed mortar or 2S4 Tyulpan self-propelled mortar gun, both of which are systems that Syrian and Russian forces are known to possess.

19. Throughout the afternoon of the following day, on 19 November, Douma was struck by a series of weapons resulting in the killing of six persons, including one child. The weapons impacted residential areas and al-Quwatly street, one of the city's main shopping streets. Of the 143 injured in Douma throughout that day, 25 were women and 26 were children. The victims sustained varying degrees of injuries with 50 requiring hospitalisation. Photos provided by interviewees display typical fragmentation pattern from cluster submunitions on concrete and a parachute for a O-10 cluster submunitions deployed from rocket-assisted 240 mm cluster bombs.

III. Attacks against protected objects

A. Schools

20. Over the span of three weeks, between mid-October and early November, an alarming number of schools and kindergartens were impacted by bombardments in eastern Ghutah. Incidents that occurred in October were caused by ground shelling; in November, schools were hit with air dropped munitions. Fearing further attacks, the majority of schools

[3] A/HRC/34/CRP.3, paras. 57 and 59.
[4] A/HRC/34/CRP.3, para. 54, A/HRC/34/64, paras. 33–35.
[5] A/HRC/34/CRP.3, para. 58.
[6] A/HRC/34/CRP.3, para. 56, A/HRC/36/55, para. 65 and annex II, para. 18.

were closed down, leaving thousands of children deprived of education. While schools may be made the object of attack when used for military purposes, such attacks require prior warning when the school is located in a densely populated civilian area, as would be the case for the incidents documented. In none of the following incidents, however, were warnings issued.

21. At around 10.40 a.m. on 16 October, a shell fell in a lane next to the Ghosn Zeitoun school in Kafr Batna. More than 150 children were gearing up to leave the school after attending classes, when an explosion was heard, later identified by interviewees as a shell likely fired from pro-Government forces' positions. A female teacher and her 8-year-old daughter who were leaving school were killed by shrapnel, and the teacher's 5-year-old son sustained injuries to one leg and his hands. Following the incident, the school reduced the number of shifts, operating only from 6 to 9 a.m.

22. On the morning of 31 October, at 10.30 a.m., a shell hit the playground of the Mohammad Nasser Ash'Osh primary school for boys in Jisreen. The school, attended by more than 400 pupils, is located in the centre of Jisreen, surrounded by residential buildings. There is a kindergarten across from the school. As with the incident on 16 October on the Ghosn Zeitoun school, students had just finished classes. The shell killed five boys aged eight to 11 years, and an elderly man who was selling candy close by. At least 26 other boys were injured, as well as one girl in the vicinity. Several of the injuries required immediate surgery, with one boy's feet having been amputated. The school's gate and one wall were destroyed. Following the incident, the school adopted an "emergency" schedule, holding only two classes a day.

23. In one single day, on 8 November, three schools were impacted by airstrikes in eastern Ghutah. The same school complex hosting the Ghosn Zeitoun school, previously hit on 16 October, was struck again though this time by an airstrike. At 1 p.m., an airstrike hit the pavement in front of Basma Amal school, also in Kafr Batna, causing severe damage to the classrooms. Shortly afterwards, at 2.30 p.m., an airstrike hit the Tamayoz kindergarten in Hammourieh. About 240 children attend the kindergarten, which is adjacent to a hospital. There were no casualties among pupils in any of the 8 November incidents, as the Education Directorate instructed all schools to close for security reasons just two days prior.

B. Hospitals

24. Attacks on medical facilities are one of the longest running patterns of violations of the conflict in the Syrian Arab Republic. In besieged areas, hospitals often operate from damaged facilities that have been made the object of repeated attacks over years (see A/HRC/34/64, paras. 30–40), and without the most basic equipment and medication. Hospitals, clinics, and medical points are regularly attacked for attending to the wounded, as part of a strategy to erode the viability of civilian life in opposition-held areas. Attempts to protect the facilities by changing their names or moving underground have often proved unsuccessful (see A/HRC/36/55, paras. 62–66). Hundreds of medical workers have been killed and injured, and countless others have sought refuge abroad. Together, these factors have resulted in a severe weakening of the medical system countrywide, with devastating impact on besieged civilians, particularly vulnerable groups such as children, expectant mothers, the elderly, and those with chronic illnesses. During periods of intense bombardment, such as the one in eastern Ghutah on 8 November, the hundreds of casualties in need of care far exceed the capacity of hospitals to provide it, resulting in inadequate treatment and preventable deaths.

25. On 13 September, at 1.30 p.m., two artillery shells hit Al-Hekma hospital in Kafr Batna, with two more shells landing in its immediate vicinity. Al-Hekma hospital is the main trauma facility of the area. As the hospital had been hit several times in previous years, medical staff stopped using the building's upper floors, which were more frequently impacted in the other attacks. The 13 September attack resulted in four people being injured, among them two patients, including a woman, and one hospital worker. The emergency and recovery rooms were also both damaged, as was hospital furniture including

beds, tables, and a solar panel. Medical staff said they believed that the attack was carried out as reprisal against them for having treated a large number of civilians who were injured in pro-Government forces' bombardments in the days preceding the shelling.

26. Between 14 and 17 November, 84 people were reportedly killed and another 659 injured. On the afternoon of 20 November, when hospitals were overwhelmed with casualties, shells believed to have been launched from pro-Government forces' artillery positions in Al-Maliha impacted the Kafh hospital and its surroundings in Kafr Batna. One shell hit the roof of the hospital damaging water tanks and electrical installations. A second shell hit the front of the hospital's main entrance injuring a hospital worker in the head. Another two shells landed near the hospital, killing a woman and her four children, including two girls, aged between 2 and 11-years-old.

27. In both incidents, interviewees denied the presence of fighters or other military objectives in the hospitals. No warnings were issued prior to the attacks. Hospitals, medical units, and medical personnel are afforded "special protection" under international humanitarian law as a result of their specific humanitarian function, and parties to a conflict must take additional, specific measures prior to targeting such objectives. Throughout the entire Syrian conflict, in no instances has the Commission documented that pro-Government forces ever gave warning prior to attacking hospitals or medical units. Such attacks constitute the war crime of intentionally targeting protected objects.

IV. Medical evacuations

28. Until the initial closures of tunnels in February, only about 80 patients out of 700 estimated to be in need were able to leave eastern Ghutah to obtain treatment in Damascus city. Those who left fell into two categories: one group were patients, such as those in need of open-heart surgeries, who could only obtain treatment in Damascus as it was the only city with the required specialists. The second group were patients, including those requiring dialysis, who could be treated in eastern Ghutah were it not for the fact that siege conditions prevented the required medication and equipment from reaching those in need. In both groups, specific difficulties were faced by men and women. Men under the age of 42 risked being conscripted by Government forces once they reached Damascus city. Further, if a husband left for treatment, life for his wife and children became increasingly difficult. Women and girls in need of medical care faced additional challenges as armed groups in eastern Ghutah only allowed them to travel if accompanied by *mahram* (male guardian). In practice, this meant that a seat for evacuation that could have been taken by another patient was instead used for the *mahram* who did not medically need it.

29. After the complete closure of tunnels in May, all movement of patients was halted, leading to a desperate situation for those sick and wounded. Healthcare practitioners reported that the closure of tunnels led to shortages of medical equipment and medication, which — compounded by malnutrition — exacerbated existing medical conditions for countless civilians.

30. By early October, an estimated 368 patients, including 101 women and 48 children, required urgent medical evacuation. Among them were two girls under the age of three, one requiring heart surgery and the other chemotherapy. Requests for evacuations were submitted to the Syrian Arab Red Crescent (SARC) and followed a heavily bureaucratic process including having to go through the Ministry of Foreign Affairs, the Ministry of Health, and obtaining authorisation by all parties controlling checkpoints along the route patients needed to take. In October, a woman and 14-year-old girl were taken to Damascus for treatment but reportedly only because they were exchanged for a member of Faylaq al-Rahman. Another four patients were reportedly evacuated in October.

31. By December, the number of patients requiring evacuation had risen to 529. In an attempt to assist the gravest cases, 29 patients with severe injuries and chronic diseases were selected for immediate evacuation. While waiting for evacuation, at least two children died, and nine men refused to leave eastern Ghutah because they feared being arrested by Government forces. Their names were replaced with those of other patients. Requests to pro-Government forces for guarantees that patients would not face reprisals went

unanswered. Between 26 and 28 December, 29 patients were evacuated to Damascus in exchange for a number of civilians held by armed groups in Douma (see A/HRC/36/55, paras. 46–48).

V. Conclusion

32. Entering its fifth year, the siege of eastern Ghutah has been marked by increasingly cynical means and methods of warfare, which have led to the worst documented cases of malnutrition over the course of the Syrian conflict. Characterised by pervasive war crimes, including the use of prohibited weapons, attacks against civilian and protected objects, starvation leading to severe acute malnutrition, and the routine denial of medical evacuations, the siege of eastern Ghutah continues to primarily affect the hundreds of thousands of civilians subsisting in the besieged enclave. The Commission has thoroughly documented how all parties to the conflict use siege warfare in order to erode the viability of life under the control of opposing sides, in an attempt to compel surrender (see A/HRC/36/55, para. 18). On the part of armed groups operating in eastern Ghutah, concerted, indiscriminate attacks using unguided mortars continue to kill and injure dozens of civilians in Government-held Damascus city.

Annex III

Internally displaced persons

1. Beyond civilian casualties and destruction of civilian property wrought by campaigns to combat and ultimately defeat ISIL in Raqqah and Dayr al-Zawr,[1] aerial and ground operations during the period under review triggered one of the single largest waves of internally displaced persons since the inception of the conflict. By June, tens of thousands of Syrian men, women, and children from Raqqah and Dayr al-Zawr began perilous journeys to escape both locales by crossing active frontlines and risking landmines, only to relocate to desert camps administered by the SDF in northern Raqqah and Hasakah governorates. The total number of displaced persons who fled Raqqah and Dayr al-Zawr since July stands at over 319,000 individuals — comprising at least 90,000 from Raqqah, and at least 229,000 from Dayr al-Zawr.

2. Beginning in May, the SDF, Asayish (Kurdish civilian police), and Kurdish military intelligence employed a systematic vetting procedure to assess the threat of all individuals fleeing Raqqah and Dayr al-Zawr for possible connections to ISIL. Tens of thousands of individuals who fled clashes were required to cross checkpoints and register in SDF-controlled camps for vetting, where SDF confiscated every encamped individual's identification documents (national card, family booklet, and/or passport). SDF initially established three emergency transit points where displaced persons transferred through prior to being sent on to larger camps: two are located in southern Hasakah (al-Karama and al-Shadadi camps), and one northwest of Raqqah city (al-Twehnah camp).

3. As hostilities increased so too did the rate of internally displaced persons, whereupon four larger, informal camps/managed sites administered by SDF began receiving hundreds of daily new arrivals. These camps currently host approximately 20,000 internally displaced persons in each, totalling at least 80,000 individuals. They are scattered throughout desolate areas in Kurdish-held northern Syria, and located in al-Sad near Arisha, and Mabrouka village (Hasakah), and Ain Issa Cotton Factory and Slouk village (Raqqah).

4. Through the use of road closures, checkpoints, and the requirement of transit permits, SDF created a coercive environment whereby Syrians displaced from Raqqah and Dayr al-Zawr who fled north were left with no choice but to transit through camps, amounting to *de facto* detention from the moment of capture. Many were driven to the camps in pickup trucks by armed SDF, while those able to find and pay smugglers evaded the vetting process. During the reporting period, conditions throughout all camps failed to meet satisfactory conditions of shelter, hygiene, health, safety, and/or nutrition.[2] SDF soldiers further regularly extorted money from internally displaced persons in exchange for food, water, and for returning their identification documents to leave the camps. Though located primarily in the Syrian desert, the advent of winter has rendered encamped internally displaced persons more vulnerable to exploitation and abuse.

A. Conditions in camps of internally displaced persons

5. Displaced persons in al-Sad, Mabrouka, and Ain Issa Cotton Factory camps frequently reported a lack of even the most basic resources in each, though to varying degree. In al-Sad (Hasakah), some internally displaced persons recalled sleeping on the desert soil upon arrival because no tents were provided to them. Those in need of medical treatment often were not granted medical evacuations to a city hospital in Hasakah unless they could pay SDF camp authorities. One encamped civilian described only witnessing a

[1] See A/HRC/37/72, paras. 36–41 and 50–56.

[2] Guiding Principles on Internal Displacement, United Nations Economic and Social Council, E/CN.4/1998/53/Add.2, 11 February 1998 [hereinafter "UN Guiding Principles"], at Introduction 3(c), and Principles 18–19.

physician onsite when children required care. At times, access to food was limited to one loaf of bread per day. Access to water was also limited, with one 20-litre tank distributed per day per family, which had to be rationed for cooking, drinking, and sanitation.

6. On 22 October, civilians in al-Sad camp organised a protest against SDF, hoping their demonstration would allow them to leave. The protest was ultimately quelled after SDF soldiers fired their guns into the air. Ultimately, once vetted, some internally displaced persons were still forced to pay $100 to exit al-Sad camp. One family was forced to pay $100 per vehicle to leave, even though the SDF administration lost their identification documents. The same family was unable to depart towards Kurdish-held areas, and was instead diverted by SDF towards northern Idlib. There, displaced for the second time, they were met again by tents in the winter.

7. Equally inadequate living conditions were echoed by civilians in Mabrouka camp, located in Ras al-Ayn countryside (Hasakah). There, internally displaced persons recalled a lack of access to sufficient food, water, and medical care, though tents, mattresses, and blankets were distributed to new arrivals. Additional water had to be purchased, with 20 litres costing over $9 USD. Some civilians spoke of the water being unpotable and causing diarrhoea in children. One family recalled being given only four cans of sardines upon arrival. In order to cook, they were forced to burn their clothes to maintain fires, while other families lacked the means to purchase prohibitively expensive food sold by SDF soldiers.

8. Mabrouka camp further lacked sanitary latrines, which prompted open defecation and exposure to infectious disease. In numerous instances, no doctors were onsite, and internally displaced persons recalled being placed under the care of paramedics whose medical assistance was limited to dispersing paracetamol. Expectant mothers in Mabrouka were left particularly vulnerable, as the camp lacked specialised maternity care. Only those women who could afford to pay SDF authorities were taken to a nearby hospital to deliver, while those who could not delivered babies on unhygienic campgrounds with the support of other displaced women. As in al-Sad, civilians in Mabrouka camp also organised a protest against deplorable living conditions on 15 December.

9. Some internally displaced persons in Mabrouka explained how SDF targeted certain families for forced conscription, while those who did not have sons were reportedly made to pay $300 USD to SDF soldiers. Numerous interviewees described Mabrouka camp as being akin to a "prison", with complete restrictions on movement and no possibility to receive visitors. One encamped civilian, unable to wait out his vetting, paid $68 USD to an SDF member in order to obtain a "departure permit", while others paid up to $100 USD each.

10. Equally inadequate living conditions were reported by civilians who transited through Ain Issa Cotton Factory camp (Raqqah). There, civilians recalled how one loaf of bread was sold to them by SDF members for $3 USD. Owing to living conditions inside the camp, specific pathologies emerged including diarrhoea and skin disease. On 24 August, the SDF officially admitted to "a very large shortage of medical staff, medicines, and teachers" at Ain Issa.[3] On 27 August, the SDF further conceded unsatisfactory living conditions when it announced a fumigation campaign to deal with "the problem of snakes, scorpions, and poisonous desert animals" at the camp, which it noted posed a particularly harmful threat to children.[4] Women and girls were also particularly affected due to a lack of adequate latrines, with many recalling having waited until dark to relieve themselves in open areas due to fears of assault, humiliation, as well as the cultural sensitivity of using a latrine which was also being used by males.

11. Civilians further lamented the camp's desolate location by recalling limited mobile network signals, which inhibited their ability to communicate with family. On the rare occasion journalists were admitted to Ain Issa, they were required to interview encamped residents in the presence of an SDF escort.

[3] Forces Syria Democracy, *Ain Issa Camp Under Microscope*, *available at* www.sdf-press.com/en/2017/08/ain-issa-camp-under-microscope.

[4] Forces Syria Democracy, *Insecticide Spraying Campaign Inside Ain Issa Camp*, *available at* www.sdf-press.com/en/2017/08/insecticide-spraying-campaign-inside-ain-issa-camp.

B. Internment by Syrian Democratic Forces

12. All individuals who fled from Raqqah and Dayr al-Zawr were forced to reside within fenced, camp-like sites in al-Sad, Mabrouka, and Ain Issa while their identification documents were assessed for individual vetting. Families with identifying documents issued by ISIL were disproportionally affected however, as SDF authorities did not recognise these documents as legitimate which led to more prolonged vetting periods. The transit time for vetting procedures averaged between a few days to eight weeks, though internally displaced persons were not made aware any details of the underlying process. Once cleared, only those individuals or families who were able to locate a *kafil* or "guarantor" in Kurdish-held areas were authorised to leave the camps towards those areas. Similar requirements of "guarantors" were imposed for onward movement towards FSA-held Jarablus (northern Aleppo). The desolate locations of camps and confiscation of mobile phones by SDF soldiers in some camps complicated opportunities to secure a "guarantor" for many internally displaced persons. Many others had no choice but to head west towards Idlib, while SDF have forced some families to return to Raqqah and Dayr al-Zawr after landmine clearances.

13. Internment, or administrative detention, for the purposes of vetting civilians believed to pose a security threat may only be justified when absolutely necessary to address "imperative reasons of security",[5] and a case-by-case evaluation must take place in relation to every individual prior to detaining him or her. The internment of civilians may not be used solely for interrogation or intelligence gathering. All internees must have been informed promptly, in a language he or she understood, of the reasons for internment, and all had the right to challenge, with the least possible delay, the lawfulness of his or her detention in these camps. The review of lawfulness of internment must be carried out by an independent and impartial body.[6]

14. The threat of ISIL attacks against Kurdish-held areas was exemplified on 3 May, when ISIL militants attacked Rajm as-Salibi camp (Hasakah) just before dawn, killing at least 30 civilians including women and children. Similarly, on 12 October, ISIL militants detonated two vehicle-borne improvised explosive devices at Al-Malha checkpoint in Abu Fas village, bordering Hasakah and Dayr el-Zawr, where approximately 7,000 internally displaced persons were gathered for initial SDF screening. The suicide attack killed 40 internally displaced persons, including women and children, and injured dozens of others. Several suspected ISIL terrorists have since been identified as a result of SDF-run vetting. The SDF is currently detaining nearly 1,400 "terrorist" fighters, primarily ISIL militants identified as such, including hundreds of foreign fighters from up to 30 countries.[7]

15. Irrespective of this threat, the blanket internment of all civilians from Raqqah and Dayr al-Zawr cannot be justified by SDF. Among those civilians currently interned are women, children, elderly, infirm, disabled persons, and others who did not represent an imperative security threat and whose continued detention is manifestly unnecessary on any grounds. In many instances, the on-going internment of these individuals amounts to arbitrary deprivation of liberty, and therefore the unlawful confinement of tens of thousands of individuals.[8]

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[5] The Commission concurs with the International Committee of the Red Cross that "both customary and treaty international humanitarian law contain an inherent power to intern", and considers "imperative reasons of security" the permissible grounds standard applicable to situations of non-international armed conflict. *See, e.g.*, INTERNATIONAL COMMITTEE OF THE RED CROSS, *Commentary of 2016, Article 3: Conflicts Not of an International Character*, at para. 728, *available at* www.ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=59F6CDFA490736C1C1257F7D004BA0EC.

[6] *Ibid.* at para. 723.

[7] PEOPLE'S DEFENSE UNITS, *2017 Balance Sheet of War — Syrian Democratic Forces*, 3 January 2018, *available at* www.ypgrojava.org/2017-Balance-Sheet-of-War-%E2%80%93-Syrian-Democratic-Forces, Press Release.

[8] As Article 3 Common to the Geneva Conventions is silent on the procedural safeguards for persons interned in non-international armed conflict, the Commission applies core human rights obligations to

16. The *de facto* Kurdish self-administration and SDF moreover sought to rely on humanitarian aid from non-governmental organisations as well as the United Nations to sustain their internment camps. The aid received however continues to be vastly insufficient to support the soaring numbers of internally displaced persons received from Raqqah and Dayr al-Zawr. Notwithstanding the lawfulness of their detention, at all times internees were entitled to conditions of detention which respected their inherent dignity. All internees further had the rights to an adequate standard of living, which includes the rights to food and water, as well as the right to health.[9] At the very least, the minimum core of these obligations applied irrespective of the economic situation or budgetary considerations of the detaining power, and therefore the SDF could not wholly transfer these obligations onto humanitarian organisations.[10] By failing to provide adequate food, water, and living conditions to any internees, SDF continue to violate these rights in Mabrouka, al-Sad, and Ain Issa camps.

17. The Commission is aware of infirm civilians from al-Sad, Mabrouka, and Ain Issa Cotton Factory camps having been granted medical evacuations only when they paid for them, while SDF actively denied urgent requests for such evacuations in certain instances. In other cases, strict bureaucratic procedures imposed by SDF prevented civilians from being able to medically evacuate when most needed. The failure to provide appropriate medical care or assistance to internees constitutes a violation of the prohibition of cruel, inhuman, or degrading treatment,[11] as well as the right to health. Once vetted and cleared, the additional burden of requiring all individuals and families to locate a "guarantor" prior to leaving the camps towards Kurdish and FSA-held areas constitutes a denial of freedom of movement. Finally, SDF soldiers extorting money from individuals prior to allowing them to leave al-Sad and Mabrouka similarly amounts to a denial of freedom of movement.

18. Though the responsibility to provide food, water, and adequate living conditions to persons displaced from Raqqah and Dayr al-Zawr governorates rests with the SDF authorities interning them, humanitarian organisations have played an auxiliary role to ameliorate the sizeable crisis. The presence of local and international humanitarian organisations and the impartial assistance they provide has reduced the harm interned internally displaced persons in the foregoing sites have been exposed to, though such assistance has thus far been insufficient to meet the mounting humanitarian and protection needs of tens of thousands of interned, internally displaced persons at risk.

C. Persons internally displaced from Hamah

19. During the period under review, pro-Government forces renewed offensives in Hamah, steadily attacking remaining opposition-held pockets of the governorate currently under the control of Hay'at Tahrir al-Sham and various armed groups including Faylaq al-Sham and Jaysh al-Izza. Aerial and ground offensives have thus far led to the displacement of tens of thousands of civilians from those areas: since October, hostilities in the north and north-east of Hamah led to the displacement of over 90,000 individuals, particularly those from areas under Hay'at Tahrir al-Sham control. Over 30,000 have been displaced since early November from al-Saan, Hamra, and Oqeirbat sub-districts. Civilians from Oqeirbat

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the SDF, an armed group exercising *de facto* control over territory in Syria and who must therefore respect the fundamental rights of persons interned in that territory. *See, e.g.*, Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, 31 March 2011, at para. 188, *available at* www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf; International Covenant on Civil and Political Rights, United Nations, *Treaty Series*, vol. 999, p. 171 [hereinafter "ICCPR"], at art. 9; *see also* UN Guiding Principles, *supra* note 34, at Principle 12(1) and (2).

[9] *See* United Nations Standard Minimum Rules for the Treatment of Prisoners, 13 May 1977, at Rules 24–26.

[10] *See, e.g.*, *Mukong v. Cameroon*, Views, Human Rights Committee, Communication No. 458/1991, 21 July 1994, para. 9.3; *Leroy Lamey et al v. Jamaica*, Decision, IACHR, Case nos. 11.826, 11.843, 11.847, 4 April 2001, para. 203.

[11] *Keenan v. the United Kingdom*, Judgment, App. no. 27229/95 (ECtHR, 3 April 2001) para. 111; *Tibi v. Ecuador*, Judgment, IACtHR, 7 September 2004, para. 157; *Huri-Laws v. Nigeria*, Decision, African Commission on Human and Peoples' Rights, Communication no. 225/1998, para. 41.

— an area comprising 73 villages and located 70 kilometres east of Hamah city — were primarily displaced towards northern Hamah, southern Idlib, and Atarib (Aleppo).

20. By mid-July, and with air support, Government ground forces and affiliated militias began advancing from the west towards Oqeirbat. Owing to the heightened intensity and frequency of attacks, many fleeing civilians gathered in Wadi al-Azib (Hamah), a desert terrain near the Salamiyah-Raqqah highway, hoping that evacuations would be facilitated. Instead, those internally displaced ended up trapped with very little food or water as Government forces blocked all roads and laid landmines surrounding both sides of the highway. Up to 10 children perished under severe living conditions in the area, including due to heatstroke, in addition to three elderly persons. By August, civilians unable to subsist in Wadi al-Azib began to risk fleeing at night. Pro-Government snipers targeted fleeing civilians, killing and injuring dozens. On 25 August alone, pro-Government snipers killed at least 70 internally displaced persons. Others were killed in landmine detonations, while up to 25 civilians were arrested by pro-Government forces and have not been heard from since.

21. Oqeirbat is now under Government control, and no civilians remain in the sub-district. Those displaced described how schools, pharmacies, shops, and residential areas were all but destroyed by aerial and ground attacks. Some came to know that pro-Government militias looted their homes, or set fire to them in acts of reprisal. Fearing revenge attacks, civilians displaced from Oqeirbat maintained they would not return to the area even if given the opportunity. On 19 September, armed groups led by Hay'at Tahrir al-Sham launched a large-scale offensive on Government-held areas north of Hamah city, with pro-Government forces' counteroffensives having since killed and injured dozens. On 26 September, in al-Sheikh al-Hilal village, a pro-Government forces ground attack reportedly killed over 60 internally displaced persons, and injured many more. On the night of 12 November, the Syrian Expatriate Medical Centre in al-Jezdaniya, eastern Hamah countryside, was destroyed in an airstrike. While no civilians were affected, an ambulance centre endured severe material damage, and vital medical supplies were damaged. Pro-Government forces continue to deliberately target medical infrastructure as part of a warring strategy, constituting the war crime of intentionally targeting protected objects. Deliberate attacks against ambulances further amount to the war crimes of intentionally attacking medical transport. At the time of writing, fighting in Hamah rages on.

Annex IV

Erosion of civilian infrastructure

1. Since the inception of the conflict in the Syrian Arab Republic, attacks against civilian and protected objects have been a near constant feature, in violation of international humanitarian law. Places of worship, civil defence centres, homes, bakeries, markets, and to a lesser extent, schools, have regularly been made the object of attack by all warring parties.

A. Hospitals

2. On 19 September, pro-Government forces launched an aerial attack against al-Rahma hospital in Khan Sheikhoun (Idlib), where around 80 patients were being treated. Al-Rahma is a "cave hospital" on the outskirts of Khan Sheikhoun, which was previously attacked on 4 April while treating victims of a sarin attack carried out by Government forces (A/HRC/36/55, annex II, paras. 17). Between approximately 10:00 and 10:15 a.m., two airstrikes were launched; though the first did not cause extensive damage, the second struck the hospital's entrance, completely destroying an ambulance reception area, as well as three ambulances. The strike also hit the warehouse of the hospital, causing a fire, and damaging vital trauma unit equipment. As jets continued to circulate, rescue efforts were put on hold for a further ten minutes until clear skies could be confirmed. Witnesses recalled noticing an unusual number of flights over Khan Sheikhoun that morning, and therefore evacuated the hospital in anticipation of a possible attack. As such, no casualties were endured. At 3:00 p.m., a primary care clinic in Khan Sheikhoun was also attacked.

3. The walls of al-Rahma cave further cracked due to the force of the blasts. Images and video footage of the aftermath of the attack show widespread bomb damage from blast weapons of varying sizes, including the tail section of an unguided OFAB 100-120 blast bomb, consistent with bombs used by both the Syrian and Russian air forces.

4. On the same day, just before noon, pro-Government forces launched an aerial attack against al-Rahman Charity Hospital, an obstetrics hospital in Tah village (Idlib). Approximately 30 individuals were present at the hospital at the time, including 12 in-patient children receiving treatment and whom their mothers were accompanying. Six babies were in incubators, while an additional 40 patients remained outside receiving clinical services.

5. The first bomb damaged the south-eastern corner of the hospital, which served as a children's ward, and further destroyed a section for incubators. The second-floor extension to the hospital collapsed, while a pharmacy including medicine stocks were severely damaged. Generators and electricity supplies also sustained severe damage. Outside, one ambulance and two private vehicles were damaged. Photos of remnants indicate that the airstrikes were carried out using multiple blast weapons, and the damage sustained is consistent with unguided OFAB aerial bombs used by both Syrian and Russian forces.

6. Approximately ten minutes before the airstrikes took place, staff at the hospital received warnings of a possible attack from a civilian observatory, and were able to evacuate the vast majority of staff and patients. One female hospital cleaner was immediately killed as a result of the attack, however, and the hospital's male administrative manager suffered an arm injury.

B. Schools

7. On the night of 20 to 21 March, at approximately 11 p.m., an airstrike hit the Al-Badiya school in Al-Mansoura (Raqqah) killing at least 150 persons. Al-Badiya school, located approximately 1.5 kilometres from the village, was a large, isolated, three-storey building, save for a few houses and tents in the vicinity. The area was controlled by ISIL at

the time. During a briefing of journalists on 28 March, the Combined Joint Task Force (CJTF) of the international coalition took responsibility for the strike noting that it had targeted 30 ISIL fighters using the school, and that it could not corroborate the allegation that internally displaced persons used the school.[1] On 7 July, the Task Force announced that, upon further review of available information, it assessed there was insufficient information to find that civilians the strike harmed civilians.[2]

8. The Commission initially reported on this incident in July 2017 (see A/HRC/36/55, para. 79). As part of its investigation, it conducted 20 interviews with survivors, relatives of victims, rescuers, village residents, and individuals onsite after the airstrikes. Interviewees all explained that, since 2012, Al-Badiya school housed internally displaced families from Palmyra (Homs), al-Sukhna (Homs), al-Qaryatayn (Homs), al-Khafsa (Aleppo), Maskanah (Aleppo), al-Bab (Aleppo), and Hamah countryside. Some of the residents were recent arrivals while other internally displaced persons had been living in the school for years. More than 200 people were estimated to be living in the school at the time of the airstrike, of which only a few survived. One-hundred and fifty bodies were retrieved from the site though others remained under the rubble as, three days after the airstrike, on 24 March, ISIL prevented rescuers from continuing searches.

9. Of the more than 200 residents at the school, only 12 survivors were identified by the Commission, and several of them sustained serious injuries such as severe burns and the loss of limbs. Survivors reported being blasted through windows during the explosions and landing outside of the school, which saved them from being crushed under the rubble. The vast majority of survivors were women and children, namely four women and six children, the youngest a 10-month-old baby. Interviewees identified the fatalities they knew personally, the majority of them relatives. These included eight women, one of whom was in the final stages of pregnancy, and 21 children, all but one under the age of 11.

10. The school was hit by three airstrikes, each using multiple bombs that destroyed most of the building rendering it uninhabitable. Photos provided by interviewees show evidence of a massive airstrike, and multiple impacts from aerial bombs show delayed fuzing aimed at bringing down the entire building. Photographs of remnants also show fragments of Hellfire missiles, which the Commission has previously documented being used by the international coalition to target survivors of airstrikes (see A/HRC/36/55, para. 57). While many interviewees said that they did not see ISIL members in the school, one survivor who arrived at the school days before the strike said that his family was registered by an ISIL member shortly after moving in, but that the fighter did not reside in the school. Initial information that two families of ISIL fighters had lived in the school but left one month before the strike has not been corroborated (see A/HRC/36/55, para. 79).

11. Information gathered by the Commission does not support the claim that 30 ISIL fighters were in the school at the time of the strike, nor that the school was otherwise being used by ISIL. Rather, the status of casualties and nature of Al-Badiya building is widely divergent from the international coalition's assessment. Information that residents of the school were internally displaced families, including a large number of women and children, and that the school had been used to shelter internally displaced persons since 2012 should have been readily available to the coalition's targeting team. The Commission therefore concludes that the international coalition should have known the nature of the target and failed to take all feasible precautions to avoid or minimize incidental loss of civilian life, injury to civilians and damage to civilian objects, in violation of international humanitarian law. The subsequent investigation conducted by the international coalition should have been able to identify the high number of civilian casualties resulting from this incident.

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[1] News Transcript, Department of Defense Briefing by Gen. Townsend via Telephone from Baghdad, Iraq, 18 March 2017, *available at* www.defense.gov/News/Transcripts/Transcript-View/Article/1133033/department-of-defense-briefing-by-gen-townsend-via-telephone-from-bagdad-iraq.

[2] Combined Joint Task Force — Operation Inherent Resolve Monthly Civilian Casualty Report Release No: 17-258 July 7, 2017, *available at* www.centcom.mil/MEDIA/PRESS-RELEASES/Press-Release-View/Article/1239870/combined-joint-task-force-operation-inherent-resolve-monthly-civilian-casualty.

12. In the latter half of 2017, pro-Government forces began a concerted campaign to decimate schools throughout Aleppo countryside, which were located in a militarily strategic area leading up to Abu al-Duhur airbase (Idlib) and the railway connecting Aleppo and Damascus. On 26 September, at approximately 12:30 p.m., about 15 minutes after all children had been dismissed from classes, pro-Government forces launched a series of airstrikes against Tanatya school in Knater village, Atarib, where nearly 4,000 civilians reside. Up to 11 aerial attacks were carried out over the span of one hour, striking Tanatya school and the surrounding residential area. Tanatya school teaches children in grades 1 to 9 in two buildings, though one was completely damaged as a result of the attack. Students, many of them severely traumatised, have since been relocated to the remaining building.

13. The next day, on 27 September at 2:00 a.m., pro-Government forces carried out an aerial attack against the Baraem al-Thawra school in Batbo village (Aleppo). As an all-girl school, Baraem al-Thawra teaches hundreds of female students in grades 1 to 9. No civilian casualties occurred as the attack took place after midnight. The school included six classrooms, four of which were completely damaged. One individual who went to assess the damage described how a "missile" had entered through the roof and caused a crater two metres in depth. The attack led to the near-complete destruction of the school, rendering it completely out of service. Windows of nearby homes were also shattered by the blasts. A non-governmental organisation and a Free Syrian police station engaging solely in civilian matters are located near the site of Baraem al-Thawra school.

14. On the night of 6 November, at approximately 9 p.m., pro-Government forces attacked the Tel Aldaman secondary school in Monbetah village (Aleppo). Prior to the attack, approximately 200 students, aged six to 16 years, attended the school, which was located on a compound that further comprised a training centre for teachers. Witnesses described how the attack rendered the school and training centre completely out of service, and how this and similar attacks have crippled both students and their families with fear; of the village's 200,000 original inhabitants, only approximately 10,000 remain. The premises of the school were reportedly attacked again in an airstrike carried out ten days later.

15. Pro-Government forces further carried out at least five separate aerial attacks against three schools in Aleppo in December. On 4 December, in Sumeiryya village, 45 kilometres south of Aleppo city, pro-Government forces attacked the eastern and western schools in Has compound shortly after 9:00 a.m. Images of the aftermath show remnants of an RBK-250 cluster bomb containing sub-munitions. No students were present during the attack, though approximately 30 teachers had gathered to collect their salaries. It is unclear whether pro-Government forces were aware of the presence of civilians at that time, as the announcement for salary collections was transmitted to teachers digitally the day prior. One female teacher and two male teachers sustained minor injuries. The use of cluster munitions in civilian populated areas is inherently indiscriminate (given their typically wide dispersal pattern and high dud rate, which continues to endanger civilians years after a cessation of hostilities), and therefore prohibited by customary international humanitarian law. For this reason, their use by pro-Government forces in Sumeiryya village constitutes the war crime of indiscriminate attacks in a civilian populated area.

16. On 6 and 7 December, pro-Government forces launched an aerial attack on Bayaiya primary school in Tel Aldaman. Airstrikes were carried out at 11:00 p.m., and again shortly after midnight the following day. More than 150 children in grades 1 through 6 attend Bayaiya primary school. The school further hosted an internally displaced husband and wife couple, though neither was injured. The building sustained physical damage, though continues to operate.

17. Similarly, on 9 December, at 9:20 a.m., airstrikes carried out by pro-Government forces hit a private school in al-Hanouteh village (Aleppo). Unlike the foregoing attacks, children were present on the morning of the attack, and a few children were mildly injured as a result. The school was partially damaged, and reportedly attacked again in an airstrike at 3:00 a.m. the following morning.

18. Repeated bombardments, lack of warnings, and the absence of military objectives in and around all schools strongly suggest pro-Government forces intentionally targeted them as part of a strategy to force dissenting communities to leave by rendering their

neighbourhoods uninhabitable, amounting in each instance above to the war crime of intentionally attacking civilian objects.

C. Markets

19. A pattern of attacks affecting crowded market places continued during the reporting period (see A/HRC/28/69, annex II, paras. 2–8, A/HRC/30/48, paras. 34–35, A/HRC/31/68, para. 77). For example, on 13 November, minutes after 2 p.m., a series of airstrikes hit the main market, surroundings houses, and the Free Syrian police station of Atarib (Aleppo). The impacted sites covered an area 250 meters long, with the police station being adjacent to the market. One commercial street was all but flattened by the attack. Based on satellite imagery, an area of approximately 5,000 square meters was damaged or destroyed. The airstrikes killed at least 84 individuals including 6 women and 5 children, and injured around another 150.

20. The population of Atarib, estimated at 30,000 inhabitants in 2011, has grown substantially in recent years as many internally displaced persons from previously besieged areas were forced to leave their homes and settled there. Atarib market, previously hit by airstrikes in April 2014 and July 2016, is itself located in a densely populated area. In addition to shops, restaurants, commercial offices and family homes, two schools operate from a building located 100 meters from the market, where an estimated 450 children were attending classes when the airstrikes were carried out.

21. Being located in western Aleppo governorate, Atarib was part of zone 1 of the de-escalation zones memorandum agreed in May and implemented in September by the three guarantors of the Astana talks, Russia, Iran and Turkey. The main Russian news outlets did not report on the events as they normally do. Yet, on the same day of the strikes, the spokesperson of the Humaymim airbase denied on social media that Russian aircraft committed a massacre in Atarib.[3] Humaymim airbase is located in Ladhiqiyah, approximately 160 kilometres from Atarib, and used exclusively by Russian forces. A few hours after the airstrikes, media reports claimed that a meeting between Hay'at Tahrir al-Sham and Nour al-Din al-Zinki took place in Atarib on 13 November.

22. Interviewees, video footage, and photos indicate that it was a clear day. Eyewitnesses saw one aircraft flying at high altitude. In less than ten minutes, the aircraft conducted three waves of airstrikes dropping two weapons in each. Interviewees consistently said that the aircraft remained at high altitude while conducting the strikes and that they received no warning that airstrikes were imminent. On the contrary, interviewees recalled that there had been no airstrikes in Atarib since the de-escalation zones agreement and that they had no reason to believe the town would be targeted.

23. The weapons destroyed the police station and killed at least 13 police officers and six detainees. One survivor who was pulled from the rubble described how the first explosion penetrated the roof of the police station all the way to the ground floor. Some four minutes later another weapon hit the area destroying a three-storey building. A third weapon hit the vicinity of the police station but did not explode. Interviewees denied that the police station was associated with armed factions and maintained it dealt with civilian related matters including acting as traffic police. None of the information gathered suggests that the station was used for military purposes or that any of its officers actively participated in hostilities although some officers carried light weapons. Therefore, the station and the officers remained civilian and were not lawful military objectives.

24. According to local residents and shop owners, the third wave of strikes directly hit a market street killing and maiming civilians and destroying vegetable and clothing shops as well as nearby residential buildings. These accounts are corroborated by video footage and satellite imagery. Shop owners explained that, at the time of the attack, the market was crowded with people who had left work, most of whom were men since many women had stopped going to the market after the earlier attacks. Similarly, as is customary in the

[3] At the time of writing, this remained the only statement by a Russian official.

country, shopkeepers were mostly male. Due to the high number of casualties, serious cases were transferred from Atarib hospital to Bab al-Hawa hospital (Idlib). Among the approximately 150 injured were first-responders, including an ambulance driver, who was seriously injured by an airstrike while responding to the first wave of strikes on the police station. The driver died in hospital some days later, his ambulance having been destroyed in the attack. Rescue efforts continued over subsequent days. In some instances, rescuers were unable to identify the deceased because they were internally displaced persons who had moved to Atarib in recent months, including former residents of eastern Aleppo city. In other cases, identification was not possible because only body parts were retrieved.

25. While some interviewees said they only saw one aircraft — with fixed-wings at the back — others recalled seeing a second aircraft they believed to be a reconnaissance aircraft because it circled above the location while the other conducted the strikes. All information available indicates that a Russian fixed-wing aircraft that took off from Humaymim airbase conducted the strikes. Early warning observers monitored the take-off of a fixed-wing aircraft, whose pilots communicated in Russian, from Humaymim airbase at 1:37 p.m. and tracked the aircraft going south and then to the northeast all the way to Atarib where it arrived at 2:07 p.m. No Syrian aircraft were observed in the area in the two hours preceding the airstrikes.

26. As to potential military objectives, many interviewees, including shop owners and local residents, said that due to efforts by the local council, there were no armed groups present in Atarib. Others, however, claimed that — from 9 November onwards — there was on-going infighting between Hay'at Tahrir al-Sham and Nour al-Din al-Zinki in western Aleppo governorate countryside, including in Atarib, Abzemo, and Orum al-Kubra. On 11 November, civilians took to the streets of Orum al-Kubra to protest against the confrontations between the two groups. The protest was violently repressed and three children were shot dead.

27. Some interviewees claimed that there was on-going infighting between Hay'at Tahrir al-Sham and Nour al-Din al-Zinki in western Aleppo governorate. The Commission received conflicting information about a possible target, including unconfirmed reports of a meeting between armed groups and tribal elders. Analysis of the site and other information indicate that a specific location was targeted.

28. Multiple airstrikes in Atarib employed at least two types of aerial bombs — blast weapons and earth penetrators. Images and videos from the site show evidence of at least six impacts. Widespread damage is consistent with blast weapons such as the unguided OFAB-500 causing devastating surface damage that destroyed a large part of the market area. Additionally, at least one bomb carrying multiple smaller earth penetrating munitions caused several impacts collapsing multiple buildings. One entry hole was found containing an unexploded bomblet. Evidence at the scene and video evidence is consistent with a BeTAB-500 unguided "bunker buster" carrying 12 rocket-assisted penetrators. The Russian Air Force has used the BeTAB throughout Aleppo province. The impact points show that unguided bombs roughly fell in a line with a 250 m dispersion which suggests that the aircraft lined up on the target dropping weapons into an area that formed a target box rather than conducting a precision strike against the point target.

29. The likely use of unguided weapons in a densely populated area such as the one hit in Atarib raises the issue of how accurate the weapons were. Circular Error Probable (CEP) is the measure of precision for a guided bomb. It means that 50 per cent of bombs fall within a circle the size of the CEP and 50 per cent outside of it — so a weapon with a 10 m CEP will fall within 10 m half the time and farther than 10 m half the time. When precision weapons miss they usually have close misses. In contrast, unguided bombs do not measure accuracy with CEP. Their accuracy varies greatly depending on a number of factors including aircraft, altitude, speed, heading, training of the pilot, and wind.

30. Unguided bomb accuracy is not officially measured in CEP but military studies have produced estimates of their accuracy using CEP as a rule of thumb. Using visual targeting, CEP is estimated as 122 m at an altitude of 3000 m. As the altitude increases, the accuracy of unguided bombs diminishes greatly. Using an advanced targeting computer, Russian sources estimate that aircraft are able to reliably attain a 25 m CEP with unguided bombs.

Even assuming that the Russian estimate that its unguided bombs have a 25 m CEP is correct, this means that 50 per cent of the weapons would fall within a 25 m CEP and the remaining 50 per cent outside of that. Using such weapons in a densely civilian populated area was certain to impact civilians.

31. All sides in a conflict must distinguish between legitimate military targets on the one hand and civilians and civilian objects on the other and use methods or means of combat that are able to be directed at a specific military objective. There is no evidence to indicate that this attack deliberately targeted civilians or the Atarib market. Through the use of unguided bombs, including blast weapons in a densely civilian populated area, however, this attack may amount to the war crime of launching indiscriminate attacks resulting in death and injury to civilians.

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Report of the Special Rapporteur on minority issues on recommendations made by the Forum on Minority Issues at its tenth session on the theme "Minority youth: towards inclusive and diverse societies"

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on minority issues on recommendations made by the Forum on Minority Issues at its tenth session, held on 30 November and 1 December 2017, on the theme "Minority youth: towards inclusive and diverse societies", prepared pursuant to Council resolutions 6/15 and 19/23.

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Report of the Special Rapporteur on minority issues on recommendations made by the Forum on Minority Issues at its tenth session on the theme "Minority youth: towards inclusive and diverse societies"

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I. Introduction

1. In its resolutions 6/15 and 19/23, the Human Rights Council decided that the Independent Expert on minority issues should guide the work of the Forum on Minority Issues and prepare its annual meetings, and invited him/her to include in his/her report thematic recommendations of the Forum and recommendations for future thematic subjects, for consideration by the Council. In its resolution 25/5, the Council decided to extend the mandate of the mandate holder as a Special Rapporteur on minority issues, and renewed the mandate in its resolution 34/6. The present report, which was prepared pursuant to resolutions 6/15 and 19/23, contains the recommendations of the tenth session of the Forum on Minority Issues, held on 30 November and 1 December 2017. At the session, the Forum considered the theme "Minority youth: towards inclusive and diverse societies". The work of the Forum was guided by the newly appointed Special Rapporteur on minority issues, Fernand de Varennes. The Chair of the session was Tarik Kurdi, of the Sudan. More than 500 participants attended the session, including representatives of Member States and minority communities, non-governmental organizations, United Nations specialized agencies, regional and intergovernmental bodies and national human rights institutions. Young minority advocates, representatives of youth organizations and young members of governmental delegations from all regions attended the Forum, some of them for the first time. The list of participants is available at www.ohchr.org/EN/HRBodies/HRC/Minority/Pages/Session10.aspx.

2. The present recommendations draw primarily from the discussions among and contributions made by participants to the Forum at its tenth session under each item of the agenda (A/HRC/FMI/2017/1). The recommendations are grounded in international law and standards. They aim to provide guidance for the effective implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. In view of the cross-cutting nature of the theme of the tenth session, reference is also made to recommendations formulated at previous sessions that are of specific relevance to the empowerment of young people belonging to minorities.

3. Key elements of the legal and normative framework include the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the United Nations Educational, Scientific and Cultural Organization Convention against Discrimination in Education; the European Charter for Regional or Minority Languages; the Council of Europe Framework Convention for the Protection of National Minorities; and the Organization for Security and Cooperation in Europe (OSCE) Oslo Recommendations regarding the Linguistic Rights of National Minorities.

4. Specifically on the topic of minority rights with regard to education, the following instruments are of relevance: the OSCE Hague Recommendations Regarding the Education Rights of National Minorities; the Incheon Declaration: Education 2030: Towards inclusive and equitable quality education and lifelong learning for all, adopted by the 2015 World Education Forum; and *Language Rights of Linguistic Minorities: A Practical Guide for Implementation* developed by the Special Rapporteur on minority issues.

5. Regarding the right to political participation, the following instruments are relevant: the Lund Recommendations on the Effective Participation of National Minorities in Public Life and the Ljubljana Guidelines on Integration of Diverse Societies of OSCE, and as well as the Revised European Charter on the Participation of Young People in Local and Regional Life adopted by the Council of Europe.

6. With regard to the human rights of members of minorities in relation to the media, key instruments and guidelines include: the OSCE Guidelines on the Use of Minority Languages in the Broadcast Media; *Bookmarks: A Manual for Combating Hate Speech Online Through Human Rights Education*, published by the Council of Europe; Security Council resolution 2250 (2015) on youth, peace and stability; *Young People's Participation in Peacebuilding: A Practice Note*, published by the Inter-Agency Network on Youth

Development Working Group on Youth and Peacebuilding (2016); and the Guiding Principles on Young People's Participation in Peacebuilding (2016), published by the United Nations Development Programme.

7. The recommendations of the tenth session of the Forum are organized under the four items of the agenda of the session.

8. In its recommendations the Forum highlights the primary responsibility of the State to protect — via national education institutions and bodies, local governments and other public offices, public broadcasting agencies and conflict prevention mechanisms — the rights of minority youth. States should comply with this obligation in view of the fact that minority youth may be subjected to multiple and intersecting forms of discrimination due to their age and to their ethnic, national, linguistic or religious background; discrimination based on gender, sexual orientation or physical abilities may further accentuate their situation of marginalization. The Forum also calls on United Nations entities to pay greater attention to young persons belonging to minorities, who may need additional support or protection to enable them to engage fully in society. The recommendations also address minority youth directly, encouraging those who wish to bring positive change to their societies to step up efforts with a view to increasing the impact of their advocacy work and to stay connected to their community while also building bridges with other communities. The Forum also urges minority communities, as well as the broader society, to give support and recognition to the work of minority youth in seeking to uphold human rights and to bring about positive change.

9. The recommendations address a wide range of situations faced by young people from minority groups around the world. They demonstrate the differing levels of enjoyment of the rights of minorities in different countries, as well as the commonalities and differences that may exist in the aspirations of young minority men and women.

10. The recommendations are intended to be implemented in countries around the world in full respect of universal human rights standards, regardless of the political, religious, historical and cultural backgrounds or any specific State ideology, religion or value system.

II. General considerations

11. The United Nations and its Member States have recognized that younger generations play an important role in their respective societies and contribute to advancing various aspects in the social, economic, and environmental spheres. Such a contribution can only be achieved by ensuring that youth are at the forefront of the decision-making process. This applies equally to young men and women who are members of minority groups.

12. Defending the rights of the youth and supporting their aspirations must be an international and national priority. Global social and economic development are heavily dependent on the active participation of younger generations in this process. In working towards the achievement of the Sustainable Development Goals, no one must be left behind; minority youth must not be left out of these processes and considerations.

13. National youth policies, national youth coordination mechanisms and national youth programmes of action are critically important, and fighting discrimination among young people and including the rights of minorities must be strong components.

14. The tenth session of the Forum was an opportunity to hear the voices of young minority men and women who feel excluded from many of these processes. It brought together young people from a number of different countries, most of whom have limited possibilities to address international bodies such as the United Nations. Their situations were diverse, but their aspirations converged towards a plea for acceptance and tolerance, as well as recognition of their rights as members of minorities.

15. The Forum also gave a voice to minority young people seeking protection for their lives and the lives of their family members and communities in situations of conflict or persecution. Some took the floor to denounce situations in which they said Governments or other actors were preventing them from claiming their linguistic, cultural or religious

identities. Others testified to economic and social marginalization suffered as young and minority persons, preventing them from feeling that they were an equal and valued component of society. Some participants explained how, even where minority rights appeared to be generally protected by law, policies and dedicated programmes, young people from those communities nevertheless continued to suffer from endemic discrimination and xenophobia and struggled to make their voices heard. Some of them were marginalized in various aspects of public life, including education, political participation and media representation. As a result, in some cases society failed to adapt to their specific needs and to provide the support to enable them to come forward and assume their place in public life.

16. Participants at the Forum raised issues relating to minority youth access to employment, and their participation in the economic life in general. The discussions were inspired by the work of the Forum in this particular area at its third session in 2010, including its relevant recommendations (A/HRC/16/46).

A. Panel discussions

17. The discussions in the first panel focused on inclusive education for minority youth. Participants discussed the issue of access to education and accommodation of minority culture and language in various programmes and facilities. They highlighted that the right to education was fundamental to a number of other rights, including political, economic and cultural rights. Furthermore, they discussed the importance of education in minority languages and how it fostered the integration of minority youth in society. In that context, participants also discussed the role of informal education in sensitizing youth to tolerance and to religious, cultural and linguistic diversity.

18. The second panel focused on the participation of minority youth in public life, including in the political, civil, economic, social and cultural spheres. Participants raised the issue of political engagement of minority youth and the importance of minority youth representation in public institutions at the national and local levels, and reflected on how to increase the positive visibility of young members of minorities in societies. They also discussed the importance of involving minority youth in decision-making processes, particularly those that concern them directly.

19. The third panel addressed the opportunities that media offered to minority youth in the digital age. Participants called for greater efforts to ensure access to digital media for all, including marginalized minority communities. They shared experiences of initiatives undertaken to respond to hate speech and bullying on the Internet, and discussed the role of minority-led media initiatives to empower youth and to enable them to challenge biased and stereotypical narratives.

20. The fourth panel considered the role of minority youth as agents of change for peace and stability. Participants presented recommendations regarding the need for greater consultation with and participation by minority youth in conflict-prevention and peacebuilding processes. They highlighted the importance of promoting intercultural dialogue between majority and minority youth as a tool to prevent conflict and promote reconciliation in post-conflict societies. They also acknowledged the key role of minority youth in the maintenance of peace and societal cohesion.

B. General recommendations

21. **States should ratify and adhere to all international and regional human rights instruments that protect and promote the rights of minorities.**

22. **States should ensure full implementation of international human rights instruments in national law and practice, including in particular the Declaration on the Rights of Persons Belonging to National or Ethnic, and Linguistic minorities, and should ensure respect for constitutional and other guarantees aimed at the protection and promotion of the rights of minorities.**

23. **All States, international organizations and civil society and other entities working with youth should exert maximum efforts to collect disaggregated data to inform policymaking and ensure that minority youth are not excluded, directly or indirectly, from any effort to secure the realization of human rights for all.**

24. **States should adapt their legal frameworks and implement representative policies to prioritize the needs of minority youth and facilitate their participation in decision-making in all areas that concern them, in order to facilitate their effective inclusion (without assimilation) in society.**

25. **United Nations entities should explicitly refer to minority youth when developing resolutions, policies, guidelines and other tools addressing the situation of young people.**

26. **States and international organizations should create an enabling environment for young human rights activists belonging to minorities so that they can monitor the implementation of States' obligations towards young people under international human rights law, and to facilitate dialogue between young people belonging to minorities and their own Governments, national human rights institutions, regional organizations and the United Nations.**

III. Recommendations to empower minority youth through inclusive education

A. Discussion

27. The discussion was introduced by Nouha Grine, President of the Amazigh Culture Club and Youth Programme Officer at the Ministry of Youth and Sport (Tunisia); Elzbieta Kuzborska, of the Association of Polish Academics in Lithuania (Poland); and Wooki Park-Kim, of the Human Rights Association for Korean Residents in Japan (Japan). In their presentations they addressed issues of discrimination and diversity within formal education systems as well as within wider youth-led awareness-raising initiatives. They focused on the benefits of teaching minority youth in their mother tongue, which would increase the chances for academic success and in turn foster their effective participation in society. They spoke of the role of schools in preserving the identities of minorities by increasing the knowledge of the younger generations with regard to the language, culture and history of their communities. Other issues discussed included discrimination, financial hurdles confronting minority youth in accessing mainstream education and lack of recognition of diplomas awarded by schools whose students are primarily from minority groups.

28. The subsequent plenary discussion was moderated by the Special Adviser to the Envoy of the Secretary-General on Youth, Saskia Schellekens. Participants discussed the role of formal and informal education of young people in bringing cultures together and teaching tolerance and the value of diversity. It was important to adapt curricula, courses and institutions to enable minority youth to realize their full potential.

29. The right to be taught in one's mother tongue at school and at university was a recurring topic raised by a number of participants and characterized as fundamental for minorities to preserve their identity. Participants also highlighted that the exercise of that right should not be perceived as a sign of deliberate isolation by minorities within society, and that their access to education in their mother tongue should not prevent them from learning other languages, including the official State language. At the same time, other participants warned that minority children and youth often had access only to poor-quality education, due to lack of adequate support in terms of infrastructure and teaching staff.

30. A number of participants suggested that, in some cases, the minority language could be the language of instruction in preschool and primary school, while the majority language could be taught as a separate subject. In the secondary- and tertiary-level curricula, minority languages should be used in a manner that adequately reflects the number of speakers of a particular language. Participants argued that such an approach had proven cost-effective in

the long term by reducing dropout and repetition rates, improving academic results and the levels of literacy in both the minorities' mother tongue and the official or majority language. That would eventually lead to greater family and community engagement in education.

31. The preservation of linguistic and cultural heritage and the promotion of diversity and tolerance of various communities was also a recurring concern that a number of participants suggested could be addressed by designing multicultural school curricula. They also expressed concerns about the tendency of certain Governments to use school curricula to assimilate young people into the majority culture. A number of participants raised concerns about the negative impact of highly centralized educational systems in certain countries, which negatively affected the access of marginalized communities to education and resulted in a low level of minority enrolment.

32. Finally, the participants explored the importance of ensuring human rights education from a young age for both majority and minority youth, in order to further awareness and understanding of minority rights.

B. Recommendations

Access to quality education

33. States should take legislative and policy measures to guarantee that minority youth have equal access to education of equal quality, delivered in an inclusive environment that fosters greater achievement for all. This includes the use of minority languages at all levels, as much, and for as long, as possible. Schools and universities should ensure that minority students who enter their institution receive adequate support to achieve academic success equal to that of non-minority students. Educational institutions must be sensitive to minority, gender and other issues, including through the collection of data disaggregated by ethnicity or national origin, religion and language, as well as gender, sexual orientation and physical abilities. Measures such as scholarships, fee waivers or quotas should be considered as special measures that can contribute to increasing educational opportunities for persons belonging to minorities.

Delivering education in an inclusive environment

34. States need to play a proactive role to foster inclusive learning environments in their education systems. Teachers and professors should receive training on using inclusive teaching strategies that address the needs of students with a variety of ethnic, religious and linguistic backgrounds, learning styles and abilities. Inclusive learning environments are essential to contribute to minority students' feeling equally valued. Additionally, adequate teaching and learning materials, including textbooks, which provide information about minorities and facilitate the learning of minority languages should be accessible to students.

35. States should recognize in their constitutions the diversity of their populations and the right of members of minorities to be taught in their mother tongue. States should develop programmes that offer teaching in minority languages, while ensuring that minorities also have access to instruction in other languages, including the official languages. The quality of instruction should not differ between programmes taught in different languages. States should take measures to ensure that members of minorities are able in practice to use their own language at school.

36. States should ensure that persons belonging to minorities are able to access the justice system to pursue collective claims for linguistically and culturally appropriate education, and that the justice system can ensure effective remedies when minority education rights are not respected. Minorities should be able to access support, including from civil society organizations, to ensure effective access to such legal procedures.

37. States should ensure that multicultural education is part of the school curriculum. Minority communities, including youth, should be consulted and

participate in the design of such curricula, in order to include accurate portrayals of different communities' history, traditions, language and culture, as well as the various beliefs or religious practices of those minorities living in the country. Additionally, education should be delivered by a corps of teachers and professors that is itself representative of the diversity of society at the local and national levels.

38. **States should combat racial discrimination and xenophobia in and through school education. They should refrain from adopting policies or education strategies aimed at segregating students into different educational institutions or classes based on their minority status; minority and majority youth should ideally be taught together in one class to ensure diversity of views and experiences.**

Support for minority-led educational initiatives

39. **States should allow, recognize and, where possible, facilitate the establishment and operation of private schools and educational services using minority languages as a medium of instruction, provided that they operate in conformity with national educational standards. This may in certain cases be the most appropriate way to better promote knowledge of minority students' own language and culture. States should refrain from imposing unduly burdensome legal and administrative requirements regulating the establishment and management of such institutions.**

40. **Minority youth should be able to choose whether to attend a regular school or a licensed minority school. The choice should not be imposed on them either by the State or by the minority community.**

41. **In time of conflict, States and international organizations should ensure that minority youth who are displaced or living in conflict zones are able to receive education, including in their own language.**

Informal education

42. **Human rights, including minority rights and fundamental rights such as the principle of non-discrimination, should be taught to young people through formal and informal education programmes.**

43. **States should undertake efforts to educate majority and minority youth on human rights, minority rights and civic engagement through digital media, including by offering free online courses accessible to all.**

44. **States should ensure that the education system provides information in accessible language to youth, and in particular minority youth, about the importance of active citizenship and how youth can participate in public life. States should also support non-governmental organizations and other stakeholders that provide youth with non-formal education in active citizenship.**

45. **Special education and community development measures should be adopted to encourage strong and positive self-identification and self-esteem of young members of minorities.**

IV. Recommendations to promote the participation of minority youth in public life

A. Discussion

46. The session on participation of minority youth in public life was introduced by Anina Ciuciu, a national of France and Romania of Roma background, law student and co-founder of the "May 16 Movement" (France); Jessica Reeves, Chief Operating Officer at Voto Latino (United States of America); and Mina Thabet, co-founder of the Egyptian Commission for Rights and Freedoms and of the Maspero Youth Union (Egypt). They stressed the importance of addressing the issue of underrepresentation of minority youth in

national and international decision-making bodies and in legislative and policy development processes. They drew attention to the link between the level of engagement and representation of minority youth in decision-making and the level of discrimination they faced in society. They particularly highlighted the responsibility of the State to promote diversity and provide equal opportunities to all minorities. They acknowledged that young persons belonging to minorities could experience disproportionate difficulties or obstacles when engaging in political processes. Minority youth might disengage from public life because political representatives did not take their concerns into account. The speakers encouraged minority youth to take a prominent role in political processes in their countries, whether by exercising their right to vote or by standing for election.

47. The ensuing discussion was moderated by the Director of the Office of the High Commissioner on National Minorities of OSCE, Henrik Villadsen. Participants examined how effective participation by minority youth in public life could lead to more cohesion and to the recognition of diversity in society more broadly. They also acknowledged that people, including minority youth, had a particularly important role to play in promoting sustainable development. They highlighted discrimination, social exclusion and extreme poverty as mutually reinforcing hurdles that prevented minority youth from participating in public life. Representatives of Member States shared good practices on how to take into account the specific needs and aspirations of young minority people in the development by national institutions of policies targeted at youth and minority youth.

B. Recommendations

48. **States should guarantee the representation of minority youth in decision-making processes at the local, national and international levels, especially those concerning youth and minority policies. States should also guarantee greater transparency and outreach to minority youth in decision-making processes, for example by using youth-friendly tools such as online platforms and social media to promote the engagement of youth. These measures should enable minority youth to reach their full potential and actively participate in all spheres of public life.**

49. **States should ensure an environment that fosters participation of minority youth in public life and support initiatives such as youth centres, with programmes that sensitize youth about the benefits of participation in decision-making, particularly in marginalized areas where minority communities live. They should monitor the occurrence of hate speech, xenophobia and discrimination and take legal action against such abuses so that minority youth feel safe being visible in society. States should ensure that minorities, including minority youth, are adequately represented in their national and local institutions, including municipalities, schools and police forces, and should consider the use of quotas to this end. They should explicitly acknowledge and celebrate diversity within their societies and demonstrate their commitment to the protection of minority rights.**

50. **States should support initiatives that reach out to minority youth to encourage them to be agents of change in their own communities through political engagement, from the first step of voting through to running for elected office to representing their communities.**

51. **States should recognize that minority youth may express different political opinions than those favoured by the Government and must respect this diversity of opinion as part of freedom of speech and opinion, which is essential to democracy and stability. Minority communities should themselves encourage and respect the expressions and opinions of minority youth, even when the views of minority youth differ from those of the leaders of minority groups.**

52. **When implementing policies and programmes targeted at increasing the participation of youth in public life, including in the political, civil, social, cultural and economic spheres, States should use disaggregated data analysis to identify whether these policies and measures reach minority youth on an equal basis and are effective in promoting their participation in public life.**

53. **The denial of citizenship disproportionately affects persons belonging to minorities and prevents them from participating in public life. Statelessness needs to be effectively addressed by States, including through ratification and implementation of the 1961 Convention on the Reduction of Statelessness.**

54. **Minority youth should have access to employment in the public sector without discrimination based on language, religion or ethnicity. States should consider creating posts specifically for ethnic minority youth, including through the use of quotas.**

55. **Special measures should also be implemented to facilitate social entrepreneurship by young people from minority backgrounds, including through training and financial support to such initiatives.**

56. **States should develop training and professional orientation programmes to effectively address youth unemployment, and in particular unemployment among minority youth. Such programmes need also to be made available in minority languages.**

57. **Public institutions should explore innovative ways to reach out to younger audiences and convey messages about the importance of political participation and advocacy. Examples of such initiatives include online platforms to collect opinions or petitions for young people to feed into central Government and municipal policies; youth parliaments that consider ethnic, linguistic and religious diversity; and training programmes for minority youth that promote participation.**

58. **States should also support efforts to engage minority youth through sport and culture. Such activities can also help develop a spirit of community, both within the minority community and between the minority community and the broader society.**

59. **States should ensure that minority youth are able to participate and organize public cultural events without the need for prior permission or, in limited circumstances where prior permission may be justified, without being arbitrarily denied permission, and should support other cultural events that may contribute to giving positive visibility to minority youth in society. They should make financial and other resources available to minority youth for the purpose of enabling cultural expression through public events as a means to promote diversity in society. It is crucial to consider creating programmes, or allocating resources for programmes, to provide training for youth to participate in cultural industries, for instance, training on music recording and production, video production and managing business aspects of cultural programming, including in their own languages.**

60. **Ministries of culture should include in their budget adequate funding for minority youth cultural groups, with particular attention to minority women.**

61. **States should provide financial support to privately delivered programmes, through which youth from national or ethnic, religious and linguistic minority groups can gain relevant substantive knowledge in an area where their interest, experience and leadership skills lie.**

62. **States should create an enabling environment for the establishment and functioning of organizations representative of minority groups.**

63. **States should value and promote multiculturalism and respect for diversity, and through this prism develop and implement concrete actions to combat and curb hate speech, radicalization of any type, intolerance, discrimination and violence.**

V. Recommendations regarding the challenges and opportunities for minority youth in media in the digital age

A. Discussion

64. The panel discussion on minority youth in media in the digital age was introduced by Marina Shupac, journalist and Minority Fellow Coordinator at the Office of the United Nations High Commissioner for Human Rights (Republic of Moldova); Jonathan Jackson, co-founder of Blavity.com (United States of America); and Anju Singh, leader of the All India Dalit Mahila Adhikar Manch (India). The panellists shared their experiences in creating media platforms to amplify the voices of their communities and mobilize youth to be aware of the human rights of their communities. The panellists shared the challenges and opportunities they had encountered using digital media technologies for use by young people in their communities, and young women in particular, to exercise and defend their rights. They referred to the difficulty they had experienced in accessing sources of funding for media initiatives and projects as young persons belonging to minorities. They also referred to the negative online rhetoric against minorities, in particular minority women. However, the panellists described social media as a tool for social change. For instance, appropriate use of social media could contribute to creating new solidarities between different minority communities and with the rest of society, pushing for new narratives that could combat misrepresentations of minorities in mainstream media and giving minority youth a unique means of expressing themselves freely in a manner that could not be easily obtained through other platforms.

65. The discussion was moderated by Rita Izsák-Ndiaye, former Special Rapporteur on minority issues and member-elect of the Committee on the Elimination of Racial Discrimination (Hungary). A number of participants noted that many minority communities, and in particular young women, did not have effective access to the Internet, and that a large portion of today's minority youth were excluded from the online world. Participants defined the Internet as having contributed to empowering youth by building bridges between communities and increasing their education and awareness about their rights and well-being. Participants spoke of their own minority-led media initiatives and about the tendency for minority media to be overshadowed by major media corporations, often because of a lack of financial resources. Participants described the issue of hate speech against minorities in the media as extremely damaging, shaping public opinion and deterring legislative bodies from adopting laws to help improve minority rights. Participants shared good practices in relation to the promotion of cultural diversity and inclusion in the media, for example government initiatives such as journalism awards for journalists who worked to promote a better understanding of diversity in societies.

B. Recommendations

66. **States should guarantee the right to freedom of expression within the media for all, in particular for young digital media users belonging to minorities. The right to freedom of expression of minority youth must be guaranteed online. At the same time, States should take effective measures to prevent and protect minorities against hate speech online.**

67. **States should refrain from curtailing access to social networks and blocking access to websites or restricting access to digital media by any other means, particularly in ways that have an arbitrary or disproportionate impact on minority youth. National human rights institutions can play an important role in providing independent oversight to ensure that no abusive blockage or censorship occurs and to ensure the safety of digital media users and any other young persons belonging to minorities who wish to be part of these discussions.**

68. **States should seek to proactively counter hate speech against minority youth, populism and xenophobia with a national strategy to combat hate speech on social media. States have a critical role to play in the promotion of positive images of**

minority youth as a means to address the root causes of racism and hate speech, including through the dissemination of information on the history and culture of minorities.

69. **States should deliver or fund programmes for minority youth aimed at providing them with the necessary skills to better express themselves through the use of new technologies.**

70. **States should commit to the democratization of the Internet as a form of social justice. They should guarantee the global and open nature of the Internet, which can be a driving force in accelerating progress towards development and is of particular importance to minority youth advocacy and connectedness.**

71. **States should support minority youth-led media initiatives, for example through national broadcasting agencies and other media institutions such as television or radio programmes in minority languages, and ensure the inclusion of minority characters played by minority youth actors. States should ensure that minority media reach out to other audiences as such outreach would contribute to changing negative stereotypes of minorities. States should allocate greater human, technical and financial resources to innovative media projects that can promote diverse societies and highlight cultural diversity.**

72. **National and international public institutions should use social media in an attractive and engaging way to challenge the dominant narratives in the traditional mainstream media and to give a new voice to minority youth in the media landscape.**

73. **States should promote the use of social media as a means of direct participation and access to decision-making, and facilitate the engagement of youth and minority youth. Social media are a critical tool allowing greater involvement in public life and creating new spaces for minority youth to participate in public debates, and can particularly be used as a platform for outreach and advocacy.**

74. **States should proactively promote cultural diversity, inclusion, education and tolerance in cooperation with all types of digital media and traditional media, to disseminate information about minorities' rights and give a voice to minorities' concerns and views.**

75. **States should promote digital literacy in educational curricula and ensure access to information on the Internet.**

76. **States should build trust and engage with minority groups before seeking to disseminate messages concerning them, including through social media.**

77. **Digital media have an important role to play to counter youth radicalization and to combat xenophobia and racism.**

78. **Institutions that train journalists should seek to promote an accurate, equitable and increased representation of all social groups in the media, and should include in their programmes training for journalists about human rights, diversity and non-discrimination, and unconscious bias.**

79. **Media institutions should promote responsible media and social media usage through formal and informal education, and should address and raise public awareness about irresponsible, incomplete and discriminatory media reporting, seeking to counter it by providing accurate and diverse reporting.**

To minority communities

80. **Minority media initiatives should be sensitive to issues that directly concern the respective minority communities as well as to issues that concern the broader society. In addition, they need to take into consideration the diversity of opinions and perceptions that exist within the minority communities themselves.**

VI. Recommendations on the role of minority youth in promoting peace and stability

A. Discussion

81. The session was introduced by Wai Nu, Director and founder of the Women Peace Network (Myanmar), Francia Marquez, Afro-Colombian leader and human rights defender (Colombia) and Nfor Hanson Nchanji, founder of the Cameroon News Agency (Cameroon). The panellists discussed their experiences as young persons belonging to minorities in seeking to bring peace, understanding and respect for different communities in their respective countries. They highlighted the role of young minority men and women as innovators and agents of change, whose contributions should be seen as an essential part of building peaceful communities. The panellists explored ways in which minority youth were adversely affected by armed conflict, including as refugees and internally displaced persons, and how the disruption of access by young people to education and economic opportunities could have a dramatic impact on durable peace and reconciliation. They described combating structural racism and discrimination as a critical component of peacebuilding. They noted that many minority youth lacked faith in national institutions, and underscored the importance of providing reparation to minority youth affected by conflict. They underscored the leadership role of youth in raising awareness on non-violence and peaceful advocacy.

82. The discussion was moderated by John Packer, Director of the Human Rights Research and Education Center at the University of Ottawa (Canada). Participants in the plenary discussion pointed out that youth from historically marginalized communities were disproportionately affected by conflict and violence. They called for local strategies to reduce violence and terrorism by fighting the social exclusion of young minority people as well as measures to address impunity for violations against minority youth and insecurity within minority communities. Participants hailed the potential of young leaders to establish links between different religious, ethnic and linguistic communities, and called for greater support for youth movements.

83. A number of participants made reference to Security Council resolution 2250 (2015) and the need for meaningful involvement by minority youth, including young minority women, at all levels of peacebuilding, conflict prevention and countering of violence and violent extremism. They acknowledged that sustainable and lasting peace could not be achieved without the meaningful participation of minority youth in the negotiation and implementation of peace agreements.

84. Participants also highlighted the importance of including young people belonging to minorities in national efforts to counter violence and extremism. They condemned the practices of violent extremist groups, including the recruitment of young people in refugee camps, religious institutions, universities and via social media. Participants spoke of the vital role young people could play in educational and religious institutions to promote tolerance and combat hate speech and terrorism, and hailed efforts such as interfaith youth dialogue initiatives to prevent extremism and promote peace and tolerance.

B. Recommendations

85. **States and the international community should ensure targeted protection of minority youth during and after conflict, in accordance with their obligations under international human rights and humanitarian law, and investigate and prosecute those responsible for crimes under international law. Minority youth working as human rights activists for their community should receive specific protection in times of conflict.**

86. **Young people belonging to minorities, and in particular young minority women, should be included as key beneficiaries of post-conflict reparations.**

87. **States and United Nations entities should pay particular attention to youth belonging to minorities when implementing Security Council resolution 2250 (2015).**

88. **States and the international community should value the contribution of youth peacebuilders and young civil society actors and engage with them; they should build trust with, train and work with grass-roots minority youth groups on local and wider issues related to conflict prevention and peacebuilding. States, parties to conflicts and the international community should create these channels of communication to assess the specific needs of minority youth in any given society and include their perspective and concerns when negotiating and implementing peace processes, including at the resettlement or repatriation and reintegration and reconstruction stages.**

89. **States should create a safe environment for minority youth, specifically for young women, to be able to participate in peacebuilding processes. They should consider setting up mechanisms that would enable young people belonging to minorities to participate meaningfully in peace processes and dispute resolution mechanisms. They should ensure that minority youth, including young minority women, are meaningfully involved at all levels of peacebuilding, conflict prevention and countering of violence and violent extremism.**

90. **Youth intercultural dialogue should be promoted as a critical tool for the prevention of conflict and the promotion of reconciliation processes and mutual understanding in post-conflict societies.**

91. **States should incorporate intercultural learning and conflict resolution skills in education systems and provide support to civil society educational initiatives that provide youth, including minority youth, with such learning and skills development.**

92. **States and regional and international organizations should ensure the support and development of international programmes for youth, providing the opportunity for intercultural exchanges and for the recognition and promotion of, and respect for, diversity.**